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PLANNING PROPOSAL

Yass Valley LEP 2013
Housekeeping Amendment

March 2023



Table of Contents

PART 1 – OBJECTIVES/INTENDED OUTCOMES.....	6
PART 2 – EXPLANATION OF PROVISIONS.....	6
Item 1: Add new land use term of ‘Artisan Food and Drink Premises’ to RU1 - Primary Production and RU4 – Primary Production Small Lots Zones	6
Item 2: Amend Land Zoning and Lot Size Maps for land to the North of the Recreation Ground at Barton Highway, Murrumbateman.....	7
Item 3: Amend Land Zoning and Lot Size Maps for the Murrumbateman Recreation Ground	8
Item 4: Amend Land Zoning and Lot Size Maps for 21 Morton Avenue, Yass	10
Item 5: Amend Land Zoning Map for legal access to 253 Comur Street, Yass.....	12
Item 6: Amend Land Zoning and Lot Size Maps for Lot 149 DP 1115534, Hovell Street, Yass.	13
Item 7: Amend Land Zoning Map for the Electricity Substation Irvine Drive, Yass.....	15
Item 8: Amend Land Zoning Map for Church Street, Yass.	16
Item 9: Amend Land Zoning Map for 37 Rossi Street, Yass.....	21
Item 10: Amend Land Zoning Map for Cooks Hill Road, Yass.....	24
Item 11: Amend Land Zoning and Lot Size Maps for Cemetery Road, Binalong.....	25
Item 12: Amend Land Zoning and Lot Size Maps for 26 Shearsby Crescent, Yass (part).	26
Item 13: Amend Land Zoning Map for land adjacent to 18 Hanley Place, Yass.....	28
Item 14: Amend Lot Size Map for Hanley Place, Yass.	29
Item 15: Amend Land Zoning and Lot Size Maps for 27 Grand Junction Road, Yass	30
Item 16: Amend Land Zoning and Lot Size Maps for Malbec Drive, Murrumbateman	32
Item 17: Amend Heritage Map for Lot 2 DP 1229389 and Lot 1 DP1258070, Murrumbateman ...	33
PART 3 – JUSTIFICATION	34
Section A – Need for the planning proposal	35
Section B – Relationship to strategic planning framework.....	35
Section C - Environmental, social and economic impact	40
Section D - State and Commonwealth interests	41
PART 4 – MAPPING	41
PART 5 – COMMUNITY CONSULTATION	42
PART 6 – PROJECT TIMELINE.....	43

List of Tables

Table 1: Comparison of Recreation Zone Land Use Table	17
Table 2: List of Applicable SEPPs to the Planning Proposal	377

List of Figures

Figure 1: Existing Land Zoning Map – Amend the zoning of land outlined blue to align with the cadastre on the Land Zoning Map – Sheet LZN_005C	7
Figure 2: Existing Minimum Lot Size Map – Amend the MLS of land outlined blue to align with the cadastre on the Lot Size Map – Sheet LSZ_005C	8
Figure 3: Existing Land Zoning Map - Amend the land zoning from RU1 - Primary Production and RU5 – Village to RE1 – Public Recreation to reflect its existing public ownership and use – Sheet LZN_005C	9
Figure 4: Existing Minimum Lot Size Map - Amend the lot size map of land outlined with blue from 40 ha and 1,500m ² to no MLS – Sheet LSZ_005C	10
Figure 5: Existing Land Zoning Map - Amend the zoning of land outlined blue to reflect the existing use SP2 Infrastructure (Water Storage Facility) on the Land Zoning Map - Sheet LZN_001H.....	11
Figure 6: Existing Minimum Lot Size Map - Amend the lot size of land outlined blue to no MLS on the Lot Size Map - Sheet LSZ_001H.....	12
Figure 7: Existing Land Zoning Map – Amend the zoning of land outlined blue from RE1 – Public Recreation to B2 – Local Centre - Sheet LZN_001H.....	13
Figure 8: Existing Land Zoning Map - Amend the zoning of land outlined blue from SP2 – Infrastructure to C3 – Environmental Management on the Land Zoning Map - Sheet LZN_001H	14
Figure 9: Existing Minimum Lot Size Map - Amend the lot size of land outlined blue from 0 (Nil) to 10 ha on the Lot Size Map - Sheet LSZ_001H	15
Figure 10: Existing Land Zoning Map - Amend the zoning of land outlined blue from SP1 – Special Activities to SP2 – Infrastructure on the Land Zoning Map - Sheet LZN_001F.....	16

Figure 11: Existing Land Zoning Map YVLEP 2013 - Amend the zoning of land outlined blue from RE1 – Public Recreation to RE2 – Private Recreation on the Land Zoning Map - Sheet LZN_001H	18
Figure 12: Flood Planning Constraint Category Mapping- (Main Stream Flooding - Flood Planning Constraint Category 1) Yass Floodplain Risk Management Study and Plan July 2021	19
Figure 13: Schedule 2A of Yass Floodplain Risk Management Study and Plan - July 2021.....	20
Figure 14: Existing Land Zoning Map - Amend the zoning of land outlined blue from R1 – General Residential & RE1 – Public Recreation to R1 – General Residential and RE2 – Private Recreation on the Land Zoning Map - Sheet LZN_001H	21
Figure 15: Flood Planning Constraint Category Mapping- (Flood Planning Constraint Category 1) Yass Floodplain Risk Management Study and Plan July 2021.....	22
Figure 16: Schedule 2A of Yass Floodplain Risk Management Study and Plan - July 2021.....	23
Figure 17: Existing Land Zoning Map - Amend the zoning of land outlined blue from RE1 – Public Recreation to SP2 - Infrastructure on the Land Zoning Map - Sheet LZN_001H	24
Figure 18: Existing Land Zoning Map - Amend the zoning of land outlined blue from RE1 – Public Recreation to RU1 – Primary Production - Sheet LZN_001A	25
Figure 19: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue from 0 (Nil) to 40 ha on the Lot Size Map - Sheet LSZ_001A.....	26
Figure 20: Existing Land Zoning map - Amend the zoning of land outlined blue from R1 – General Residential to R5 – Large Lot Residential on the Land Zoning Map - Sheet LZN_001F	27
Figure 21: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue from 1000 sqm to 10 ha on the Lot Size Map - Sheet LSZ_001F	28
Figure 22: Existing Land Zoning Map - Amend the zoning of land outlined blue to R1 – General Residential to align with the cadastre on the Land Zoning map - Sheet LZN_001H.....	29
Figure 23: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue to align with the cadastre on the Lot Size map - Sheet LSZ_001H.....	30
Figure 24: Existing Land Zoning Map - Amend the land zoning from R1 - General Residential & RE1 - Public Recreation to RE1 – Public Recreation to reflect its use and being a Crown Reserve – Sheet LZN_001H.....	31
Figure 25: Existing Minimum Lot Size Map - Amend the lot size map of land outlined with blue from 1000 sqm to no MLS – Sheet LSZ_001H	32

<i>Figure 26: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue to align with the cadastre on the Lot Size map - Sheet LSZ_005A</i>	<i>33</i>
<i>Figure 27: Existing Heritage Map - Amend item I114 from the land outlined blue to align with the cadastre on the Heritage map - Sheet HER_005.....</i>	<i>34</i>

PART 1 – OBJECTIVES/INTENDED OUTCOMES

The planning proposal is intended to amend the *Yass Valley Local Environmental Plan 2013 (YVLEP 2013)* to address numerous administrative, minor matters and anomalies that have become apparent since the previous 2018 Housekeeping Amendment to the *YVLEP 2013*, by making changes to and updating the Standard Instrument LEP and accompanying maps.

PART 2 – EXPLANATION OF PROVISIONS

The amendments proposed to the *YVLEP 2013* to achieve the intended outcome of the planning proposal, are identified below and are discussed individually in detail. Most of these amendments are deemed to be administrative in nature as they seek to make corrections to minor matters and errors in the *YVLEP 2013*.

Item 1: Add new land use term of ‘Artisan Food and Drink Premises’ to RU1 - Primary Production and RU4 – Primary Production Small Lots Zones

An additional land use term of ‘artisan food and drink industry’ was introduced by DPE through Planning circular #PS 18-008 issued on 31 August 2018, to provide clarity for the growing artisan and craft food and drink industry. The definition of ‘Artisan Food and Drink Industry’ is:

“Artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- a) a retail area for the sale of the products,*
- b) a restaurant or cafe,*
- c) facilities for holding tastings, tours, or workshops”.*

This new land use term is already permissible in those zones where ‘light industry’ is permissible within the *YVLEP 2013*. It is proposed to add this new land use term as permissible with consent in zone RU1 – Primary Production and RU4 – Primary Production Small Lots. The proposed addition of this land use term will support the economic development and value adding opportunities for businesses in these areas of the Yass Valley.

Clause 5.4 (10) of the *YVLEP 2013* outlines controls for rural zones relating to the maximum floor area for retail sales of an artisan food and drink industry.

Item 2: Amend Land Zoning and Lot Size Maps for land to the North of the Recreation Ground at Barton Highway, Murrumbateman

The land under consideration in this item includes Lots 2,4,5 & 6 DP 1220039. The zone and lot size map extents do not correspond with the cadastral lot boundaries as shown in **Figure 1** and **Figure 2**. The subject land is zoned RU5 – Village, with some RU1 – Primary Production. The applicable Lot Size map is predominantly 1500 sqm, with 40 ha applying where the RU1 Primary Production Zone has been applied in error.

It is therefore recommended to amend and update the Land Zoning map for the subject land by zoning Lots 2,4,5 & 6 DP 1220039 RU5 – Village in their entirety with a MLS of 1500 sqm respectively, so that it aligns with the lot boundaries.

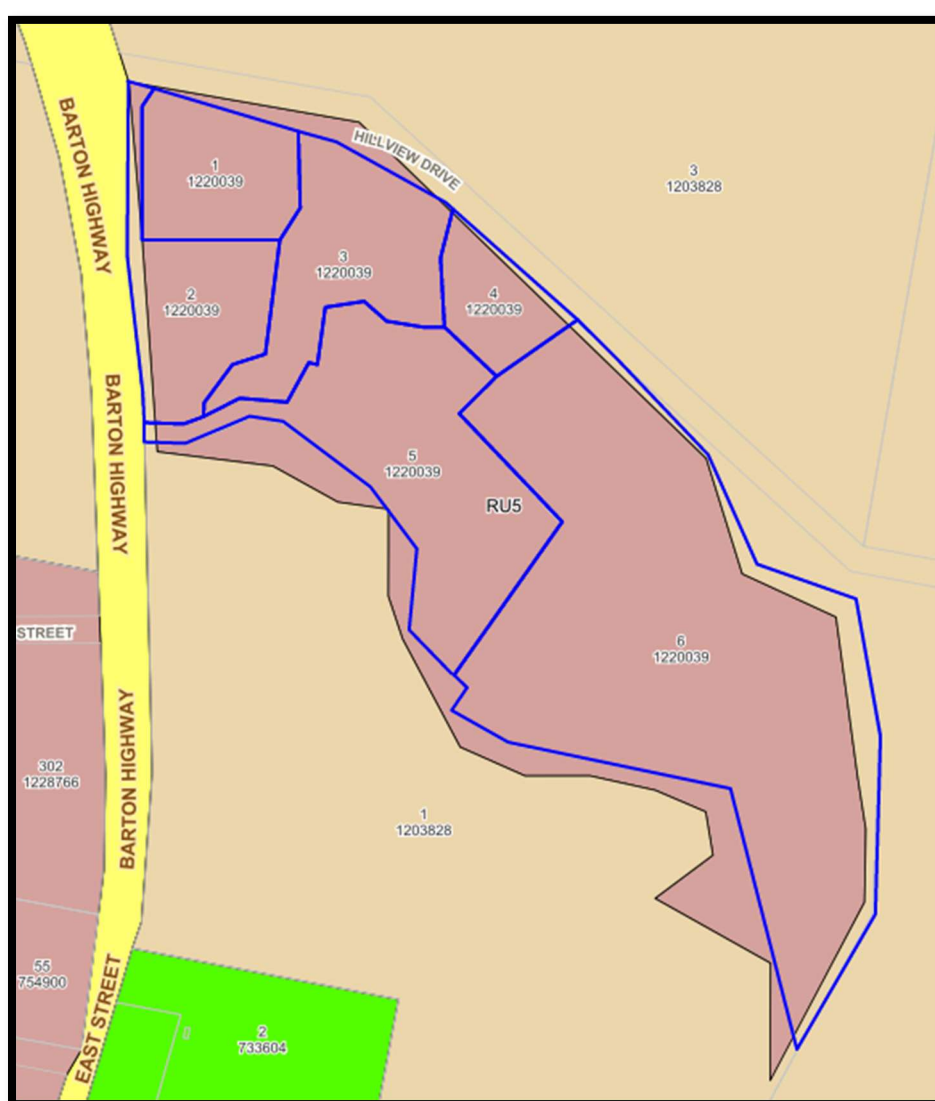


Figure 1: Existing Land Zoning Map – Amend the zoning of land outlined blue to align with the cadastre on the Land Zoning Map – Sheet LZN_005C

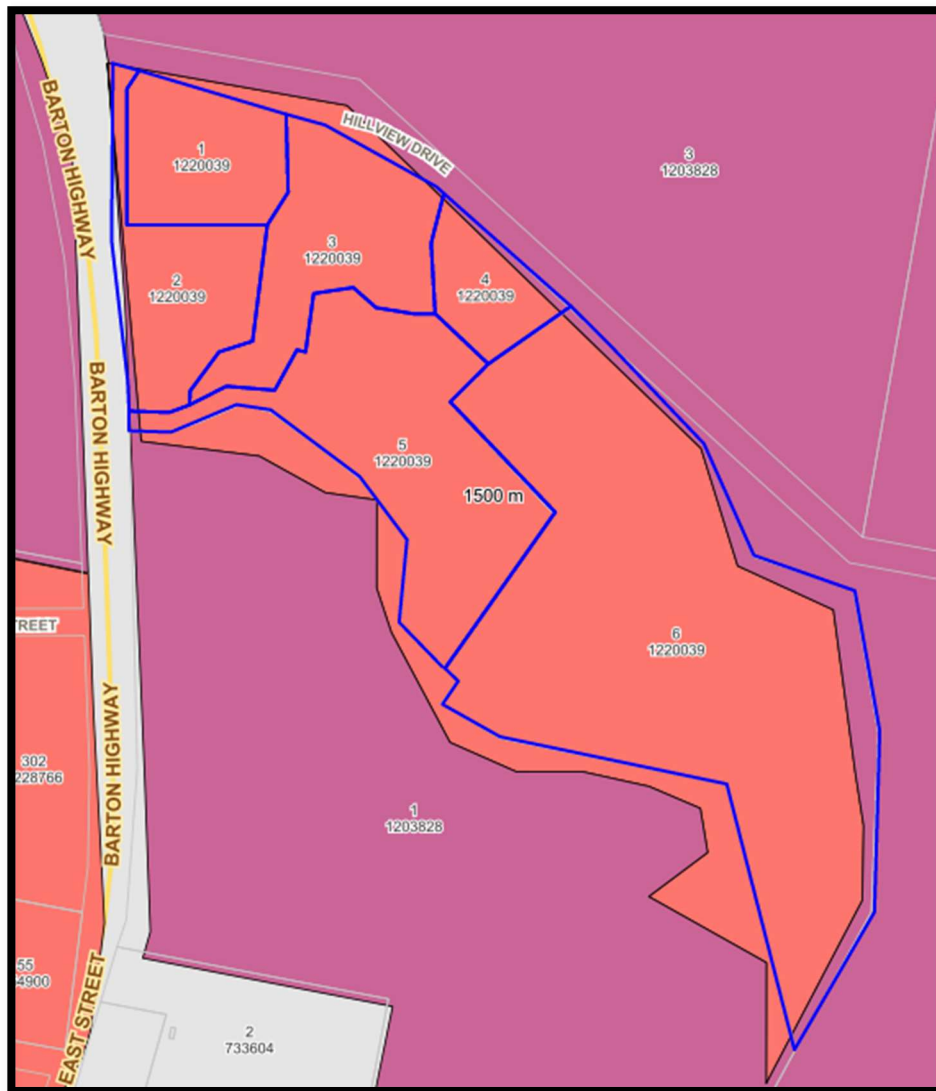


Figure 2: Existing Minimum Lot Size Map – Amend the MLS of land outlined blue to align with the cadastre on the Lot Size Map – Sheet LSZ_005C

Item 3: Amend Land Zoning and Lot Size Maps for the Murrumbateman Recreation Ground

The subject land is known as Lot 1 DP 1203828, having an area of 30.15 ha, located on the Barton Highway at Murrumbateman. It is owned by Yass Valley Council and is currently used and developed for Public Recreation. This lot was created and registered in 2015 to enable the expansion of the Murrumbateman Recreation Ground, and to recognise a long lease that had previously been in place with the previous landowner for public recreation purposes. This lot shares its west boundary with Lot 2 DP 733604, having an area of 3.54 ha which is a Crown Reserve under Council Management, zoned RE1 – Public Recreation as shown in **Figure 3**.

It is proposed to amend and update the Land Zoning and Lot Size Maps for the subject land from RU1 – Primary Production and RU5 - Village to RE1 – Public Recreation which will reflect the existing use of the land as a Public Recreation Facility. This is consistent with the future zoning map for

Murrumbateman shown in Figure 23 of the Yass Valley Settlement Strategy 2036, which recommends RE1- Public Recreation be applied to this land. No MLS is therefore required to be applied, and the MLS of 40ha (RU1 – Primary Production) and 1,500m² (RU5 – Village) shown in **Figure 4** can be removed.

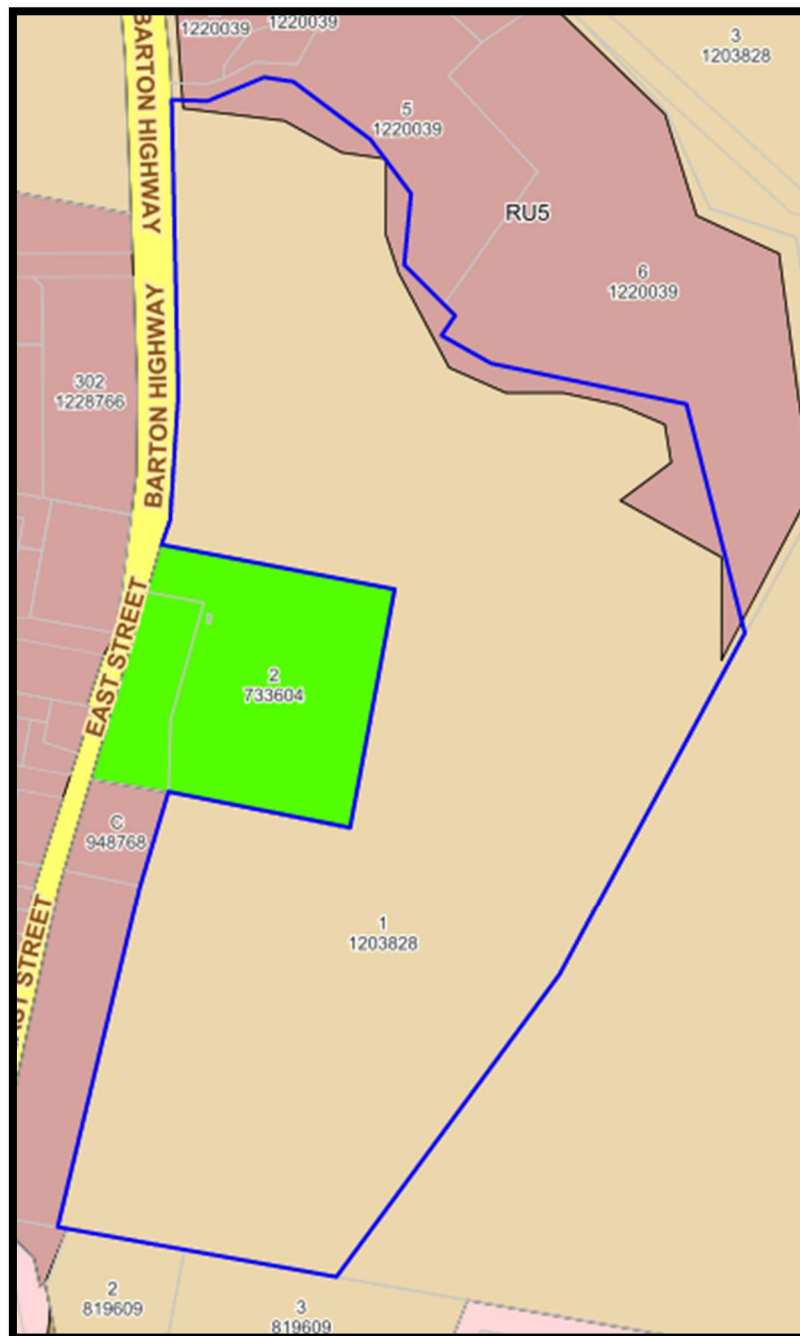


Figure 3: Existing Land Zoning Map - Amend the land zoning from RU1 - Primary Production and RU5 – Village to RE1 – Public Recreation to reflect its existing public ownership and use – Sheet LZN_005C

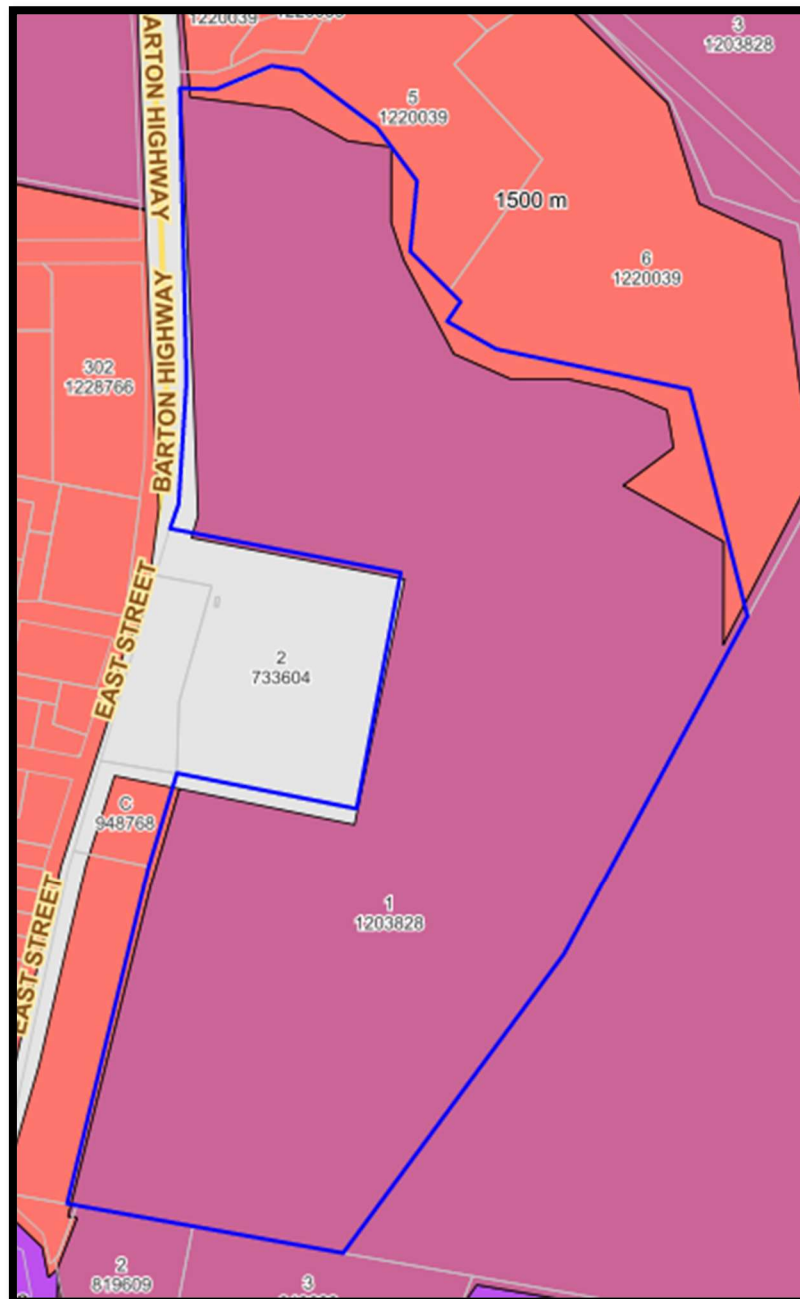


Figure 4: Existing Minimum Lot Size Map - Amend the lot size map of land outlined with blue from 40 ha and 1,500m² to no MLS – Sheet LSZ_005C

Item 4: Amend Land Zoning and Lot Size Maps for 21 Morton Avenue, Yass

The subject land known as Lot 1 DP 1267265 being 21 Morton Avenue, Yass, having an area of about 5795 sqm. The land is owned by Yass Valley Council and the existing water reservoir is located on the part of the lot zoned SP2 – Infrastructure. In 2020, the lot area on which the water reservoir is located was increased, in part to provide access and area for expansion, which is evident within **Figure 5** and **Figure 6**. As such, the area of SP2 – Infrastructure needs to be amended to include all of Lot 1 DP 1267265.

It is therefore proposed to amend and update the Land Zoning and Lot Size Maps of the subject land by zoning all the land within the lot SP2-Infrastructure -Water Storage Facility, with no MLS so that it aligns and is compatible with the existing land use and ownership.

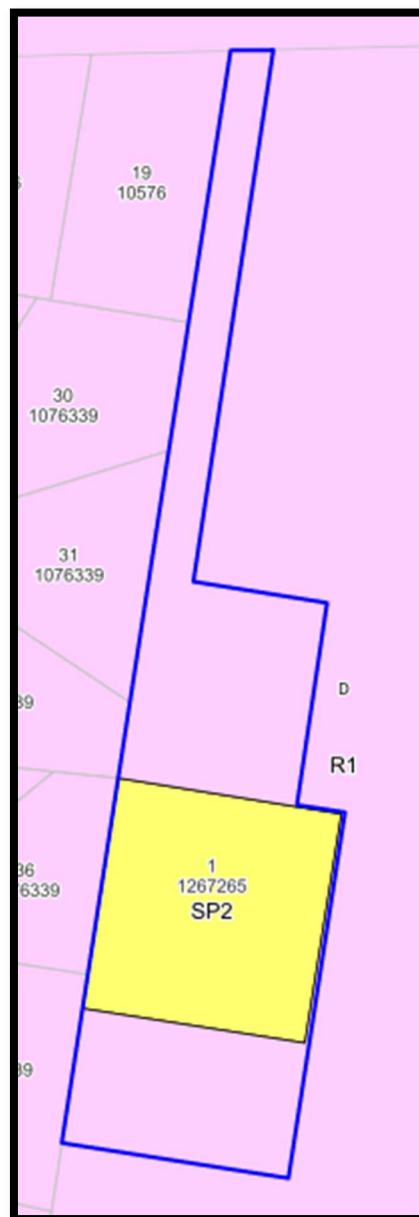


Figure 5: Existing Land Zoning Map - Amend the zoning of land outlined blue to reflect the existing use SP2 Infrastructure (Water Storage Facility) on the Land Zoning Map - Sheet LZN_001H

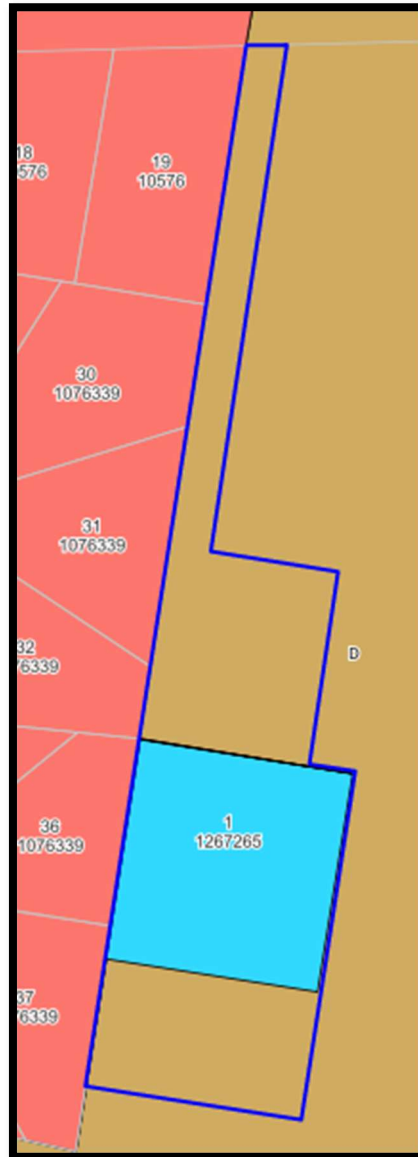


Figure 6: Existing Minimum Lot Size Map -
Amend the lot size of land outlined blue to no
MLS on the Lot Size Map - Sheet LSZ_001H

Item 5: Amend Land Zoning Map for legal access to 253 Comur Street, Yass.

The subject land is a laneway which consists of an area of about 2200 sqm, having an address of 253 Comur Street, Yass. It provides legal access to Lot 1 DP 1201523 and Lot 1 DP 736781. The subject land is a public laneway and is mistakenly zoned RE1 – Public Recreation zone as shown in **Figure 7**. As it does not form part of the adjacent Coronation Park, it is proposed to amend and update the land zoning map for the subject land to zone B2 - Local Centre, so that it aligns and is compatible with the land use zoning of surrounding land.

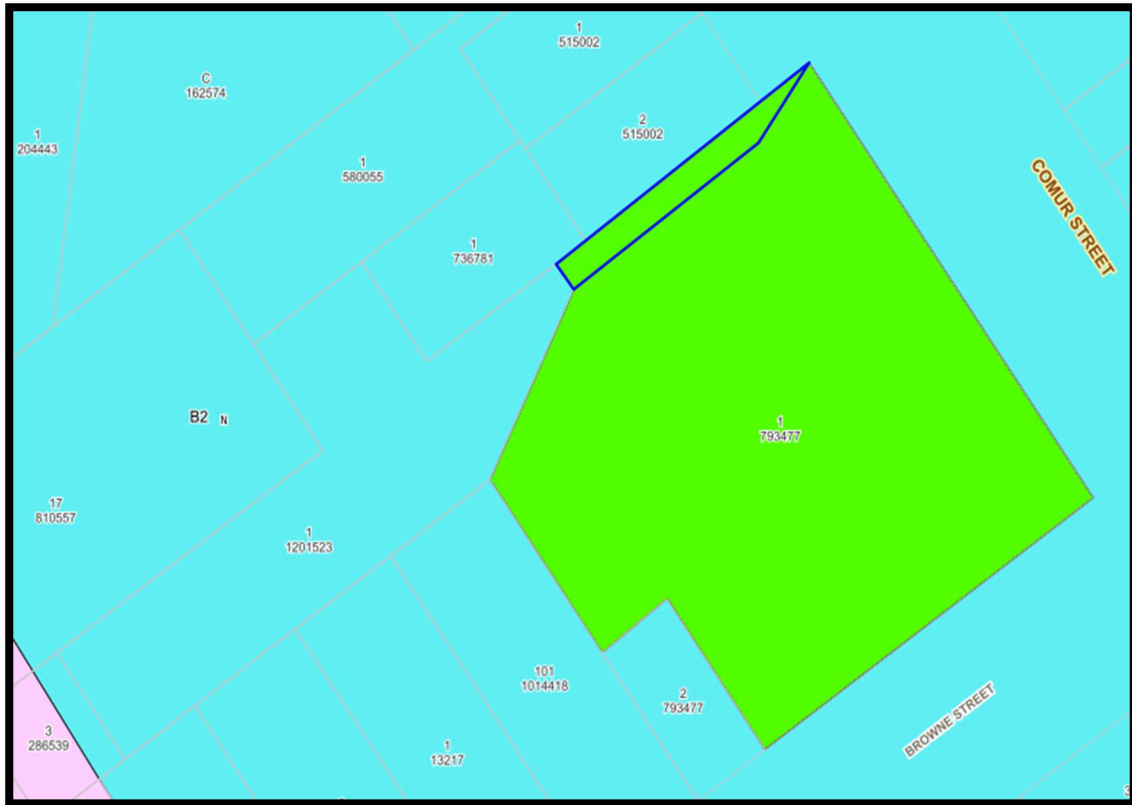


Figure 7: Existing Land Zoning Map – Amend the zoning of land outlined blue from RE1 – Public Recreation to B2 – Local Centre - Sheet LZN_001H

Item 6: Amend Land Zoning and Lot Size Maps for Lot 149 DP 1115534, Hovell Street, Yass.

The subject land known as Lot 149 DP 1115534 with an area of 5.35 ha at Hovell Street, Yass. This land is owned by Crown Lands Division and has previously been under a grazing lease.

A review of Land Zoning and Lot Size maps indicated that this parcel of land should be zoned C3 – Environmental Management because of its location adjacent to the Dam wall and Yass River as shown in **Figure 8** and **Figure 9**. This land has never been used for the purpose of Infrastructure (Treatment Ponds) unlike the adjacent land owned by Yass Valley Council, being Lot 1 DP 831015. This proposal is consistent with surrounding zoning, and it is recommended that the MLS should be amended to 10 ha consistent with the adjacent C3 – Environmental Management area on Hovell Street.

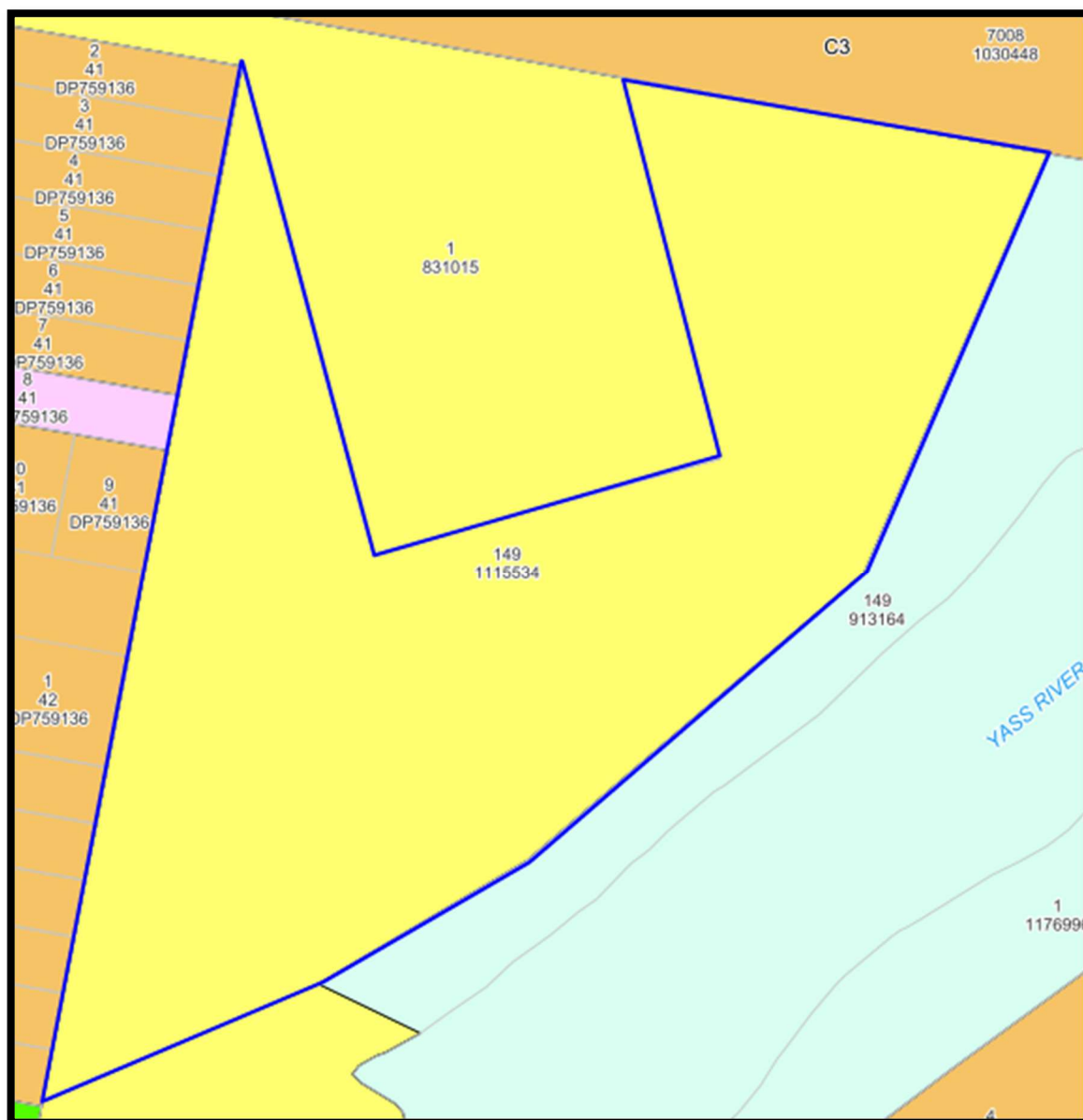


Figure 8: Existing Land Zoning Map - Amend the zoning of land outlined blue from SP2 – Infrastructure to C3 – Environmental Management on the Land Zoning Map - Sheet LZN_001H

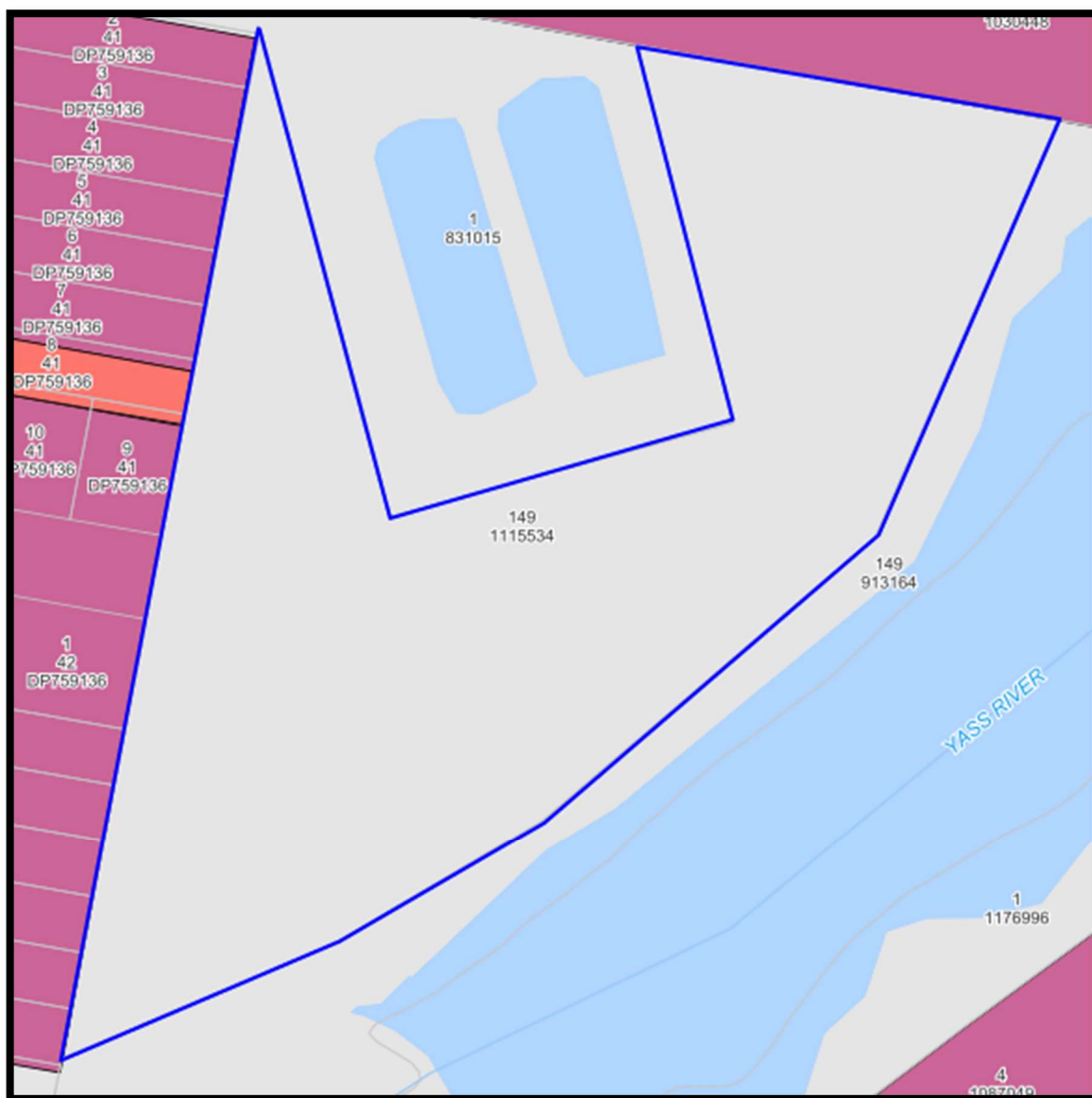


Figure 9: Existing Minimum Lot Size Map - Amend the lot size of land outlined blue from 0 (Nil) to 10 ha on the Lot Size Map - Sheet LSZ_001H

Item 7: Amend Land Zoning Map for the Electricity Substation Irvine Drive, Yass.

The subject land is known as Lot 1 DP 795893 and Lot 2 DP 517446, Irvine Drive, Yass with an area of 581 sqm and 569 sqm, respectively.

A review of the Land Zoning Map indicated that these parcels of land were zoned mistakenly as SP1 – Special Activities, as shown in **Figure 10** whereas it is part of an Electricity Substation and should be zoned SP2 - Infrastructure. The SP1 – Special Activities was applied to the old Yass Cemetery and these lots are not part of that use.

It is therefore proposed to amend and update the Land Zoning Map for Lot 1 DP 795893 and Lot 2 DP 517446 at Irvine Drive, Yass to SP2 - Infrastructure zone to align with the existing land use, land zoning of the adjacent land.

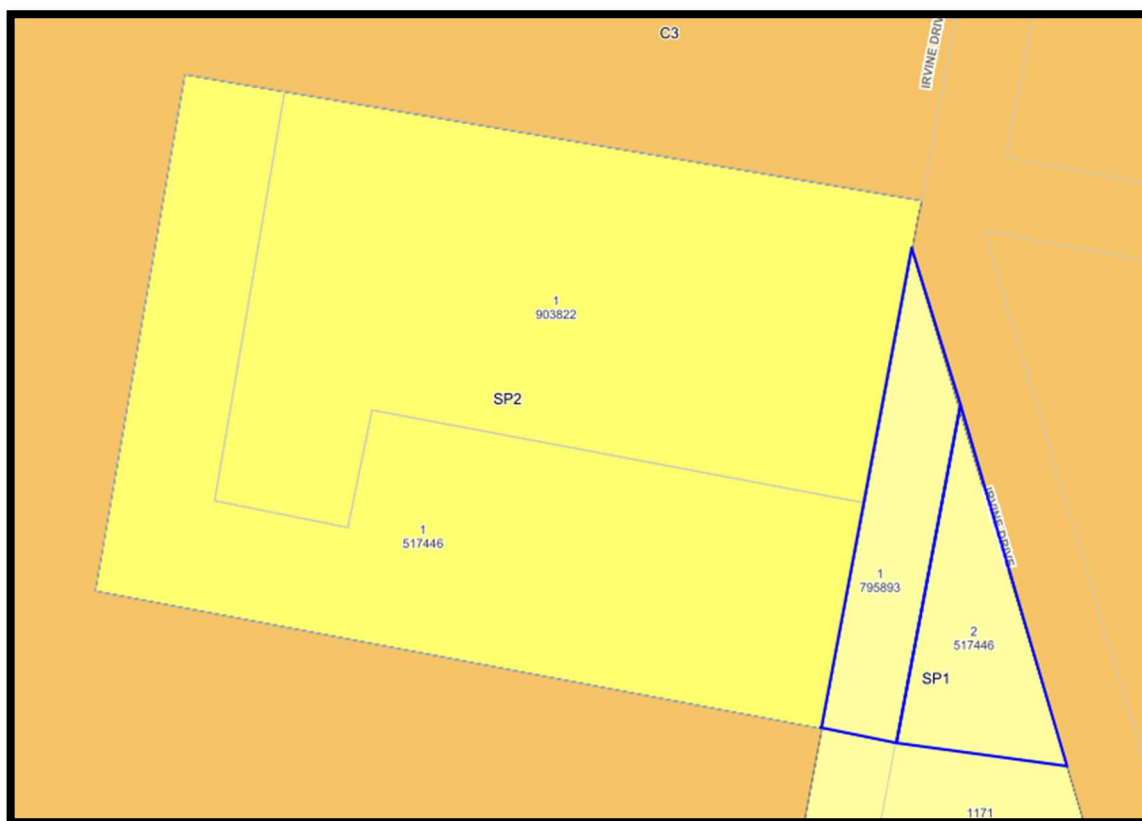


Figure 10: Existing Land Zoning Map - Amend the zoning of land outlined blue from SP1 – Special Activities to SP2 – Infrastructure on the Land Zoning Map - Sheet LZN_001F

Item 8: Amend Land Zoning Map for Church Street, Yass.

The subject land known as Lot 10 Section 2 DP 759136, having an area of 2023 sqm.

This lot is zoned RE1- Public Recreation as shown in **Figure 11**, despite being in private ownership. This lot falls in the Main Stream Flooding and Flood Planning Constraint Category 1 as shown in **Figure 12** and the applicable controls are elaborated in Schedule 2A of *YFRMS 2021* (Yass Floodplain Risk Management Study and Plan July 2021) which states this property is unsuitable for residential development. These controls are included in **Figure 13**.

It is proposed to change the land zoning from RE1 – Public Recreation to RE2 – Private Recreation to reflect the private ownership.

It was previously proposed to rezone this land to C3 – Environmental Management to align with other privately owned land which is adjacent to the Yass River or impacted by flooding. It was also proposed that no MLS be imposed, as the nearby land zoned C3 – Environmental Management has no MLS specified. The Department of Planning and Environment did not agree to the proposed C3 – Environmental Management Zoning of this land as this created the expectation of a dwelling being permissible on the land, despite its flood impact category. Similarly the imposition of no MLS allowed for subdivision of the land, once again creating the expectation of dwelling permissibility.

A zone of RE2 – Private Recreation allows some development potential commensurate with the exiting zone without the expectation that Council will acquire the land for the purposes of public recreation. The use of the RE2 – Private Recreation Zone does create an expectation for a dwelling as dwellings

are not a permissible land use in this zone. Table 1 below demonstrates the differences in the permissibility of land uses between RE1 – Public Recreation and RE2 – Private Recreation.

Table 1: Comparison of Recreation Zones Land Use Table

	RE1 – Public Recreation	RE2 – Private Recreation
Permitted without consent	Environmental protection works	Environmental protection works
Permitted with consent	Aquaculture; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Water recycling facilities; Water reticulation systems; Water storage facilities	Aquaculture; Camping grounds; Car parks; Caravan parks; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Function centres; Hotel or motel accommodation; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Serviced apartments; Signage; Water recycling facilities; Water reticulation systems; Water storage facilities
Prohibited	Any other item not mentioned above	Any other item not mentioned above

Table 1 – comparison of RE1 – Public Recreation and RE2 – Private Recreation Zones

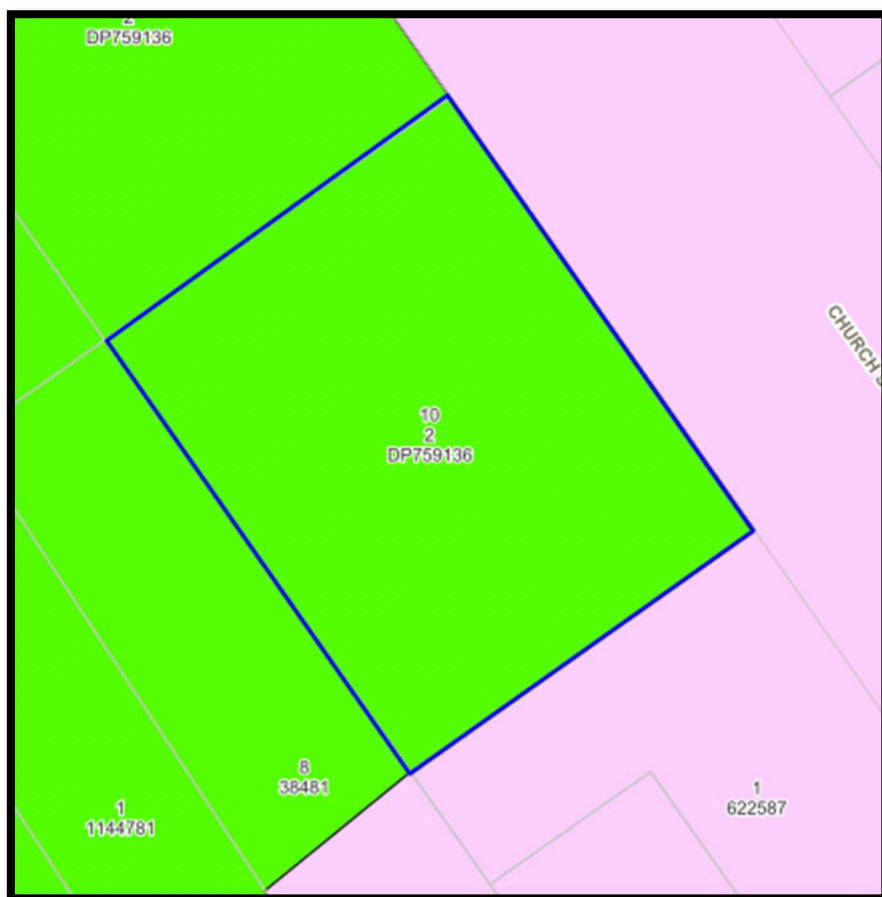


Figure 11: Existing Land Zoning Map YVLEP 2013 - Amend the zoning of land outlined blue from RE1 – Public Recreation to RE2 – Private Recreation on the Land Zoning Map - Sheet LZN_001H

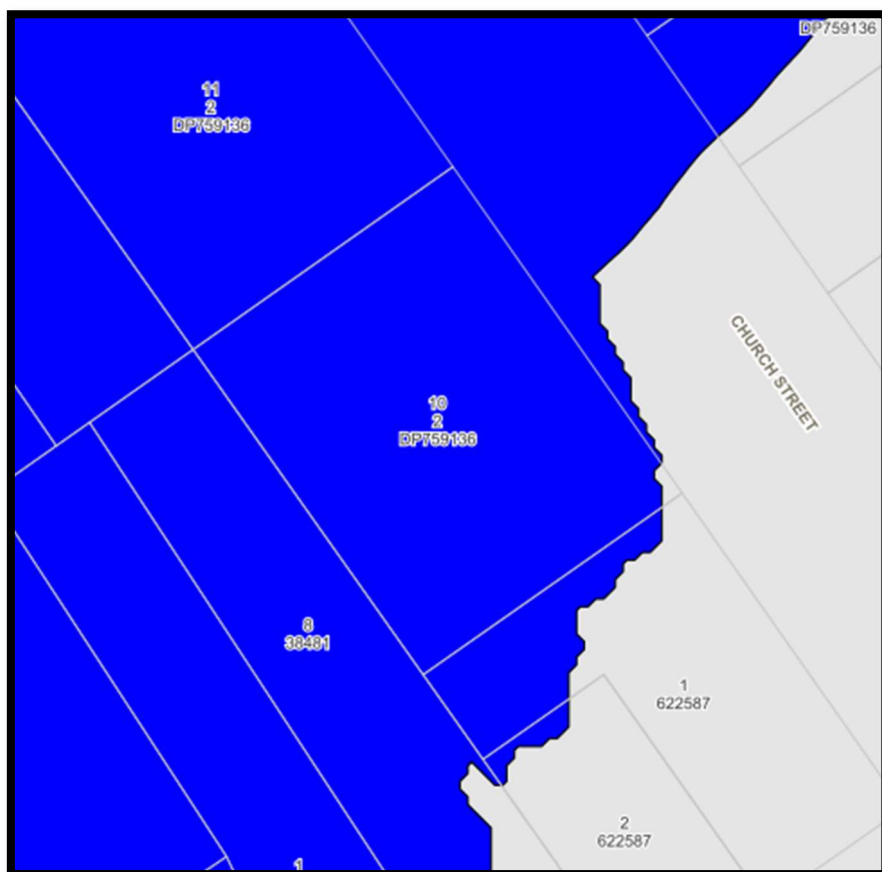


Figure 12: Flood Planning Constraint Category Mapping- (Main Stream Flooding - Flood Planning Constraint Category 1) Yass Floodplain Risk Management Study and Plan July 2021

SCHEDULE 2A

PRESCRIPTIVE FLOOD RELATED DEVELOPMENT CONTROLS – MAIN STREAM FLOODING AT YASS

Planning considerations	Flood Planning Constraint Category 1 (FPCC 1)						Flood Planning Constraint Category 2 (FPCC 2)						Flood Planning Constraint Category 3 (FPCC 3)						Flood Planning Constraint Category 4 (FPCC 4)					
	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision
Minimum Habitable Floor Level						A1	A2 A5			A3	A2	A6	A1	A2 A5	A4	A3								
Building Components						B2	B2		B3		B2	B2	B2	B2	B4	B3								
Structural Soundness						C3	C2		C4		C2	C2	C3	C2	C5	C4								
Flood Affection						D1	D1		D1		D1	D1	D1	D2										
Emergency Response						E4	E2 E3		E2 E4		E3 E4	E3	E4	E2 E3	E2 or E3	E2 E4	E4 E5	E2 E4	E2 E4					E2 E4
Management and Design						F2 F3	F2 F3		F2 F3 F4		F2 F3	F2 F3 F4	F2 F3	F2 F3	F2 F3	F2 F3 F4	F1	F2 F3	F2 F3 F4	F2 F3 F4				F2
Stormwater							G2		G1 G2		G1 G2	G1 G2		G2	G1	G1	G1 G2	G1	G1					
Parking and Driveway Access						H2 H4 H6 H7	H6 H7 H8		H1 H3 H5 H6 H7		H1 H3 H5 H6 H7	H1 H3 H5 H6 H7	H2 H3 H4 H5 H6 H7	H6 H7 H8	H3	H3								

Control only applies to development that is proposed on land which lies within the extent of the "Special Flood Considerations Zone" as defined on the Flood Planning and Flood Planning Constraint Category Maps

Unsuitable Land Use

Not Relevant

Figure 13: Schedule 2A of Yass Floodplain Risk Management Study and Plan - July 2021

Item 9: Amend Land Zoning Map for 37 Rossi Street, Yass.

The subject land is known as Lot 8 DP 38481, having an area of 1738 sqm. It is zoned R1 - General Residential and RE1 – Public Recreation as shown in **Figure 14**, with an existing dwelling on the R1 portion. It is privately owned. This property is partially within the Flood Planning Constraint Category 1 (FPCC 1) as shown in **Figure 15** and the applicable flood controls are elaborated in Schedule 2B of *YFRMS 2021 (Yass Floodplain Risk Management Study and Plan July 2021)*. The controls are included in **Figure 16** which states the area within the FPCC 1 is unsuitable for residential development. To prevent subdivision and the expectation of additional dwelling opportunities it is proposed to apply a 1000 sqm MLS across the entire allotment.

It is proposed to amend the land zoning for Lot 8 DP 38481 from R1 - General Residential & RE1 – Public Recreation to R1 - General Residential & RE2 – Private Recreation, to reflect that part of the Lot within the Flood Planning Constraint Category 1 (FPCC 1).



Figure 14: Existing Land Zoning Map - Amend the zoning of land outlined blue from R1 – General Residential & RE1 – Public Recreation to R1 – General Residential and RE2 – Private Recreation on the Land Zoning Map - Sheet LZN_001H

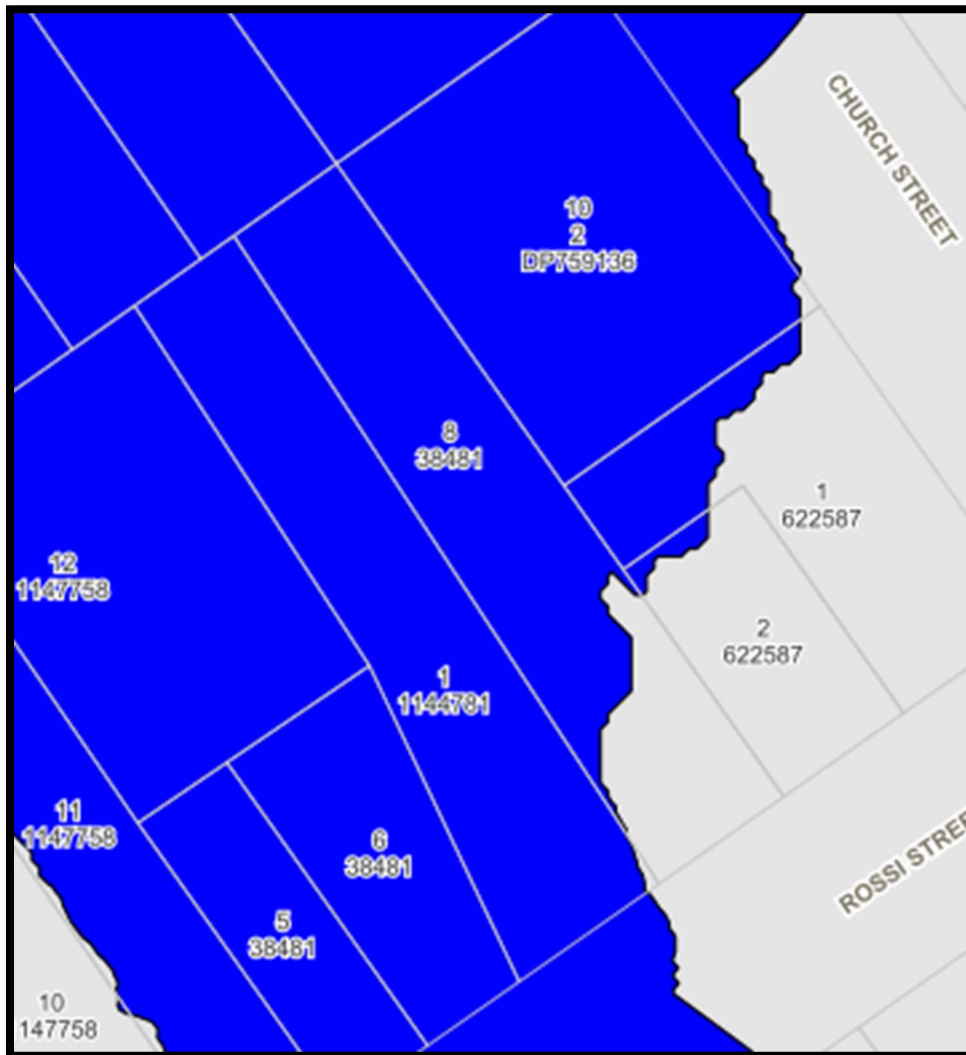


Figure 15: Flood Planning Constraint Category Mapping- (Flood Planning Constraint Category 1) Yass Floodplain Risk Management Study and Plan July 2021

SCHEDULE 2A PRESCRIPTIVE FLOOD RELATED DEVELOPMENT CONTROLS – MAIN STREAM FLOODING AT YASS																								
Planning considerations	Flood Planning Constraint Category 1 (FPCC 1)						Flood Planning Constraint Category 2 (FPCC 2)						Flood Planning Constraint Category 3 (FPCC 3)						Flood Planning Constraint Category 4 (FPCC 4)					
	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial and Industrial	Recreational and Non-Urban	Alterations and Additions	Critical Uses and Facilities	Sensitive Uses and Facilities	Subdivision
Minimum Habitable Floor Level						A1	A2 A5		A3		A2	A6	A1	A2 A5	A4	A3								
Building Components						B2	B2		B3		B2	B2	B2	B2	B4	B3								
Structural Soundness						C3	C2		C4		C2	C2	C3	C2	C5	C4								
Flood Affection						D1	D1		D1		D1	D1	D1	D2										
Emergency Response						E4	E2 E3		E2 E4		E3 E4	E2	E4	E2 E3	E2 or E3	E2 E3	E4 E5	E2 E4	E2 E4	E2 E4				E2 E4
Management and Design						F2 F3	F2 F3		F2 F3 F4		F2 F3 F4	F2 F3 F4	F2 F3 F4	F2 F3 F4	F2 F3 F4	F2 F3 F4	F1	F2 F3 F4	F2 F3 F4	F2 F3 F4	F2			F2 F3 F4
Stormwater							G2		G1 G2		G1 G2	G1 G2		G2	G1	G1	G1 G2	G1	G1	G1				
Parking and Driveway Access						H2 H4 H6 H7	H0 H7 H8		H1 H3 H5 H6 H7		H1 H3 H5 H7	H1 H3 H5 H7	H2 H4 H6 H7	H0 H7 H8	H3	H3	H1 H3 H5 H7	H1 H3 H5 H7						
Not Relevant																								

Figure 16: Schedule 2A of Yass Floodplain Risk Management Study and Plan - July 2021

Item 10: Amend Land Zoning Map for Cooks Hill Road, Yass.

The subject land is known as Lot 1 DP 1004268 with an area of 549 sqm. It is zoned RE1 - Public Recreation and forms part of the Water Treatment Plant site, with the adjacent Lot 1 DP 180130 zoned SP2 – Infrastructure.

A review of the Land Zoning Map indicated that Lot 1 DP 1004268 is zoned RE1 - Public Recreation in error as shown in **Figure 17**. Both Lot 1 DP 1004268 and Lot 1 DP 180130 are owned by Yass Valley Council.

It is therefore proposed to amend and update the Land Zoning map to include Lot 1 DP 1004268 in SP2 – Infrastructure.

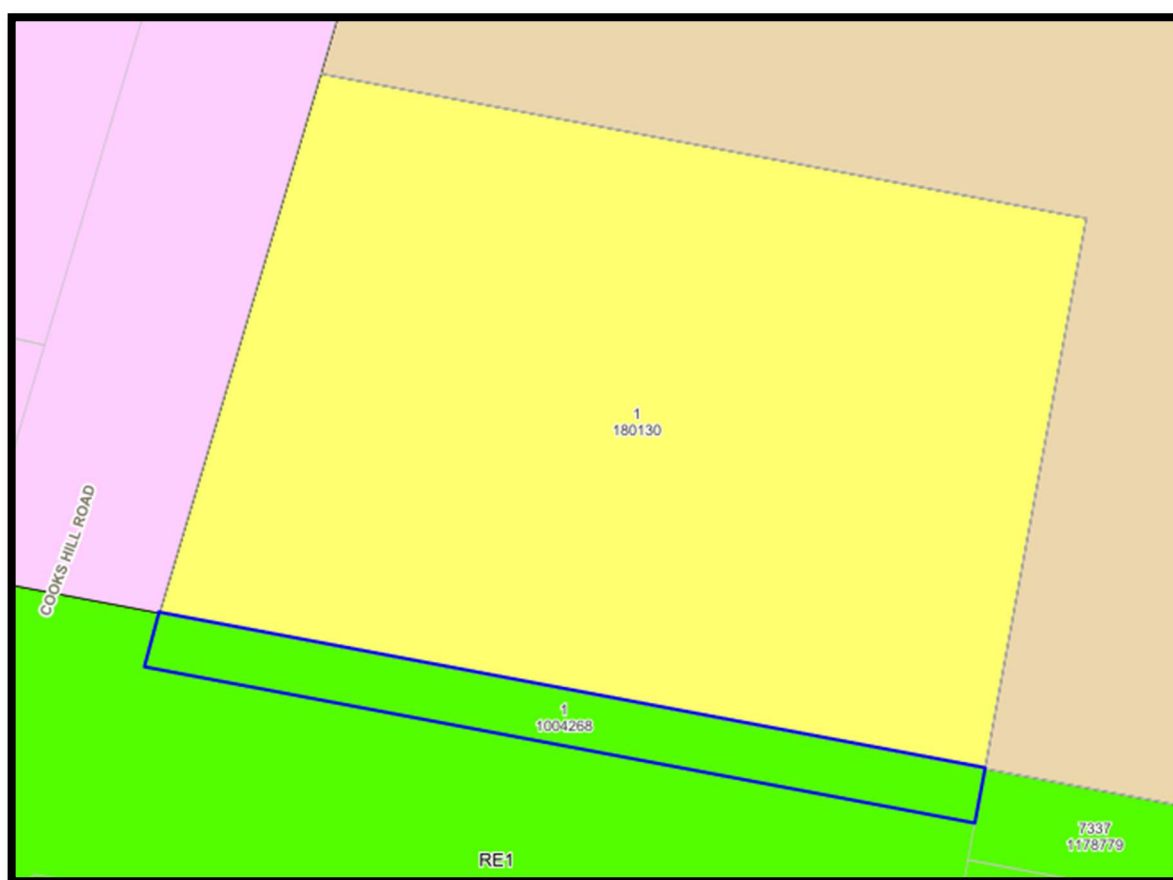


Figure 17: Existing Land Zoning Map - Amend the zoning of land outlined blue from RE1 – Public Recreation to SP2 - Infrastructure on the Land Zoning Map - Sheet LZN_001H

Item 11: Amend Land Zoning and Lot Size Maps for Cemetery Road, Binalong.

The subject land known as Lot 386 DP 753591, consists of an area of about 1.33 ha, situated on Cemetery Road, Binalong. The land is zoned RE1 – Public Recreation as shown in **Figure 18**. This property is owned by Crown Lands Division, is a reserve for a Night Soil Depot, and according to Council records was never used for this purpose. There has also been a successful Aboriginal Land Claim over the lot (No. 38672, lodged 26/3/2015, granted 26/3/2021).

As it is not used for Public Recreation purposes, it is proposed to amend the Land Zoning map from RE1 – Public Recreation to RU1 - Primary Production, with a MLS of 40 ha, so that it aligns and is compatible with the land use zoning and MLS (**Figure 19**) of the adjacent lot . It should be noted that the lot abuts unmade road reserves and is accessed informally via a track over the adjacent Binalong Common.

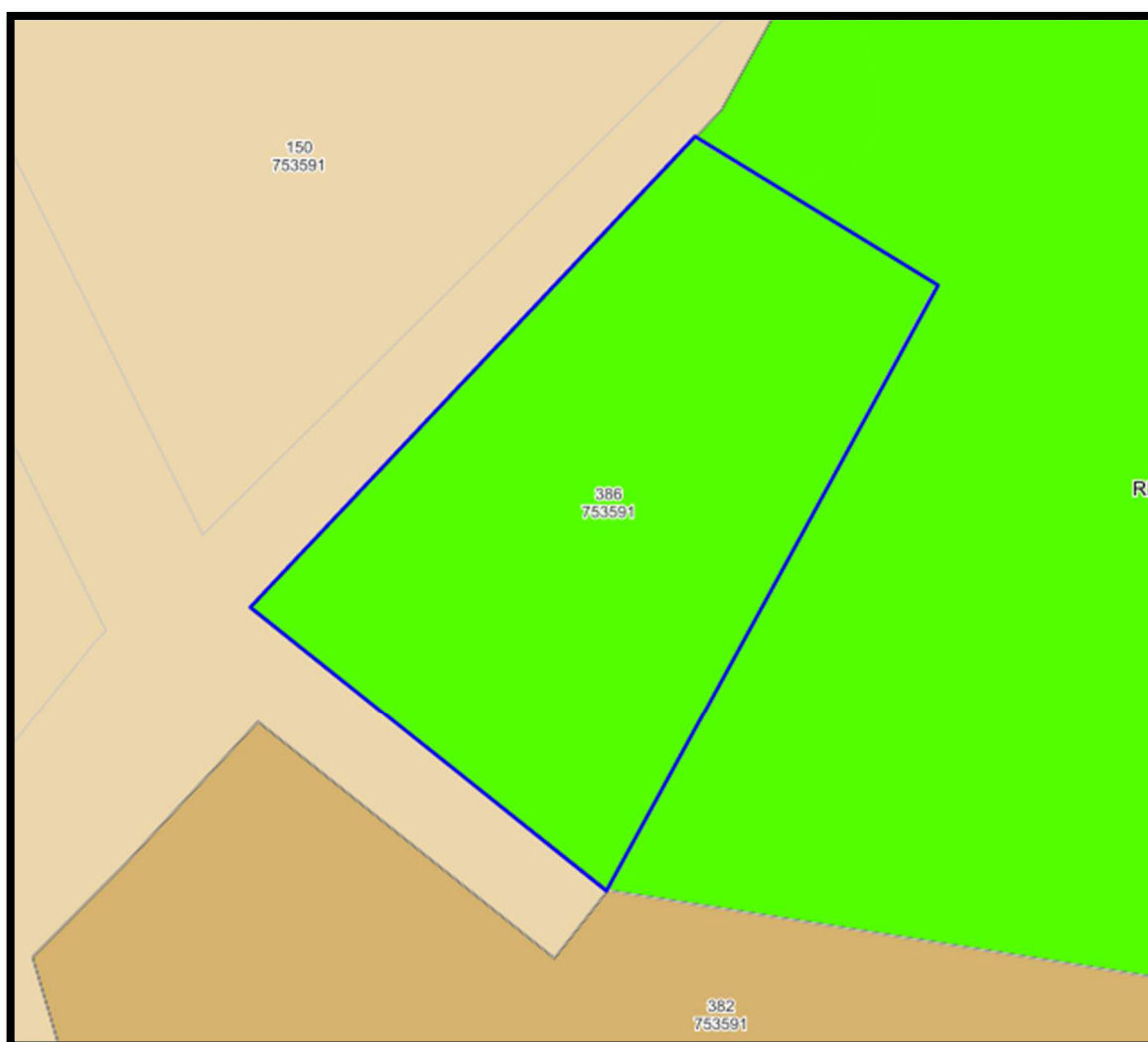


Figure 18: Existing Land Zoning Map - Amend the zoning of land outlined blue from RE1 – Public Recreation to RU1 – Primary Production - Sheet LZN_001A

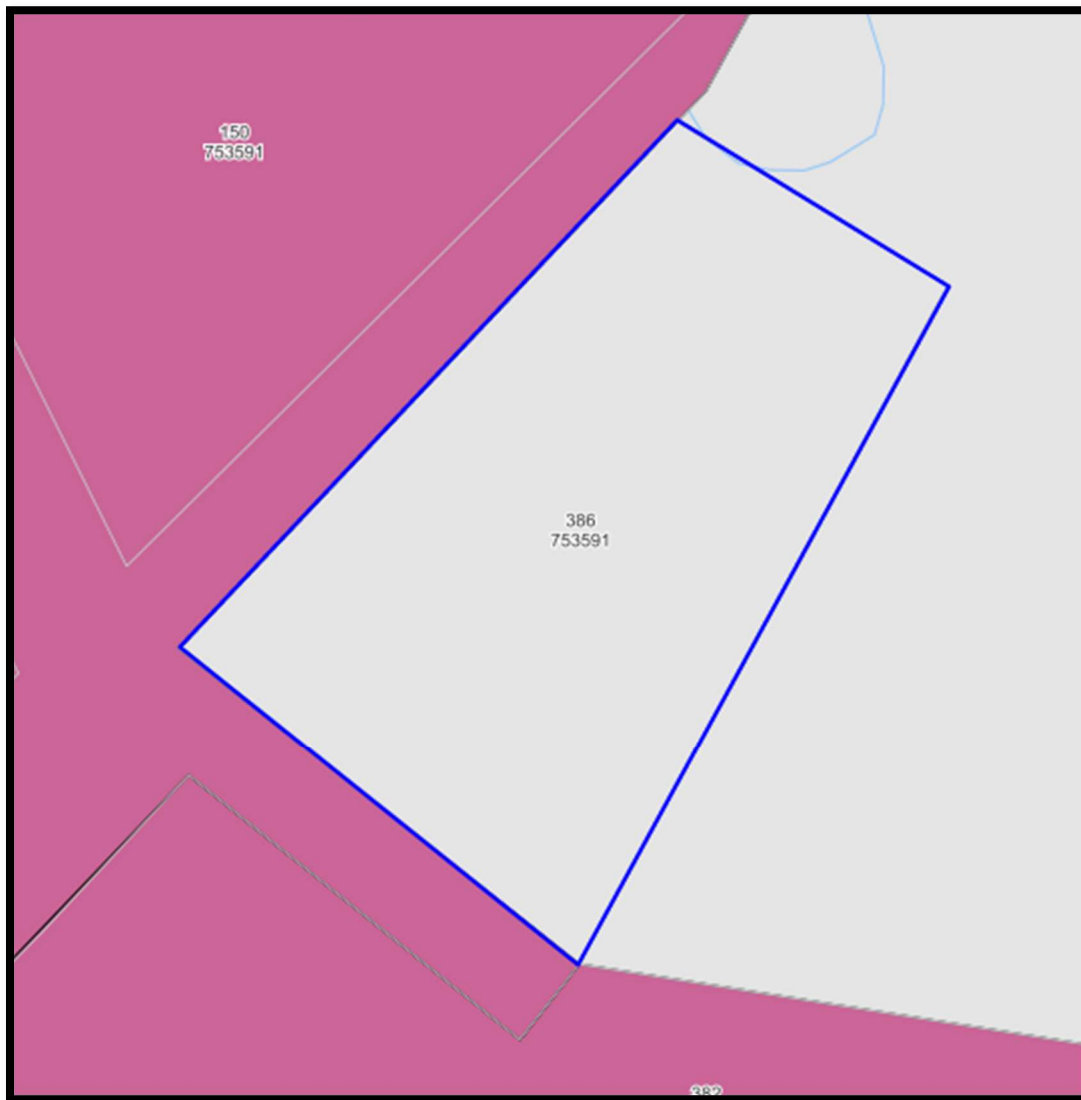


Figure 19: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue from 0 (Nil) to 40 ha on the Lot Size Map - Sheet LSZ_001A

Item 12: Amend Land Zoning and Lot Size Maps for 26 Shearsby Crescent, Yass (part).

The subject land is known as 26 Shearsby Crescent, Yass, Lot 1 DP 1165198, and consists of an area of about 5.98 ha. It is zoned R5 – Large Lot Residential, with a MLS of 10 ha.

A review of the Land Zoning and Lot Size maps revealed the boundary of the land use zone or MLS does not correlate with the lot boundary as shown in **Figure 20** and **Figure 21**. Only a small area is involved (approximately 141 sqm), so should be adjusted to ensure the whole lot is within the one zone and MLS. It is proposed to be included in R5 – Large Lot Residential with a MLS of 10 ha.

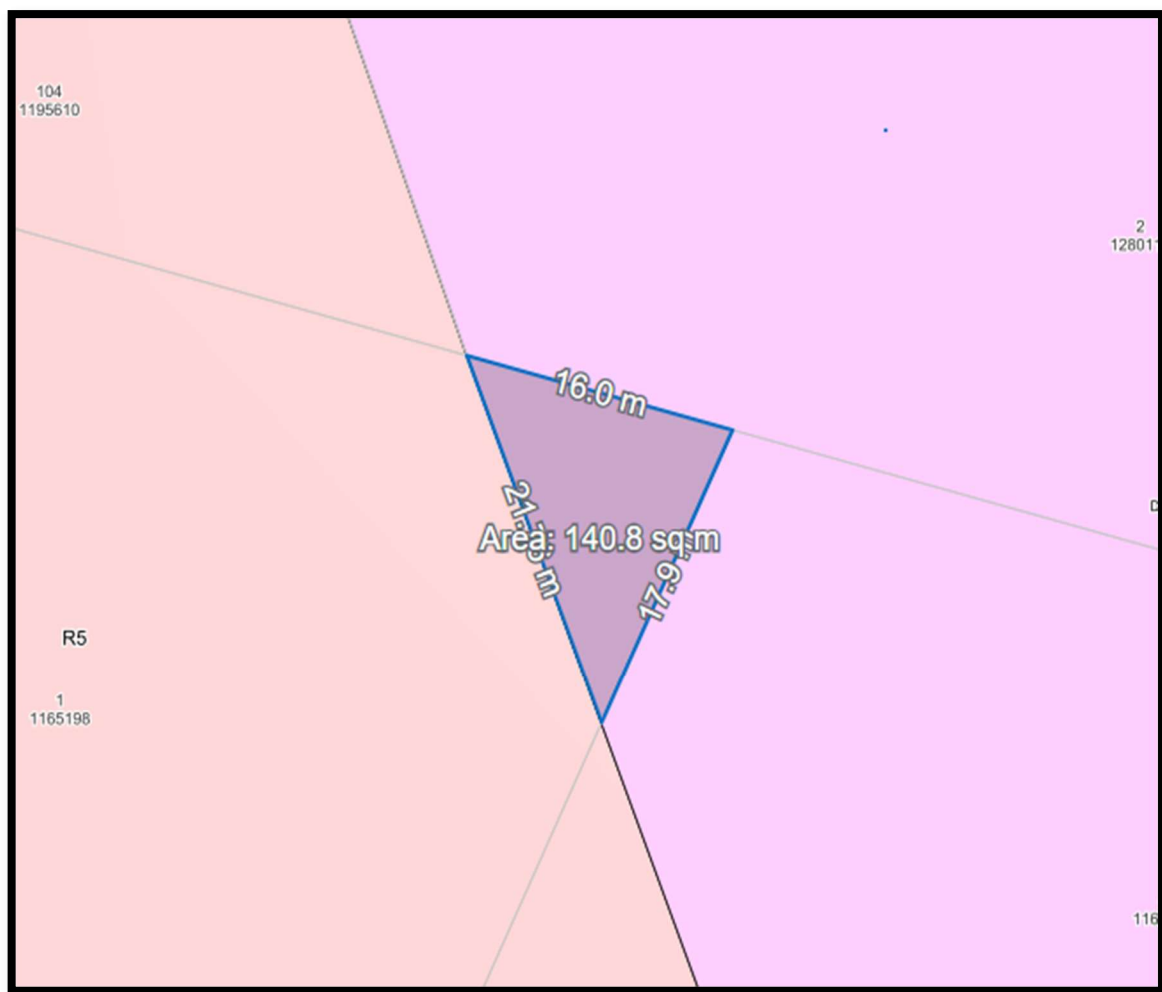


Figure 20: Existing Land Zoning map - Amend the zoning of land outlined blue from R1 – General Residential to R5 – Large Lot Residential on the Land Zoning Map - Sheet LZN_001F

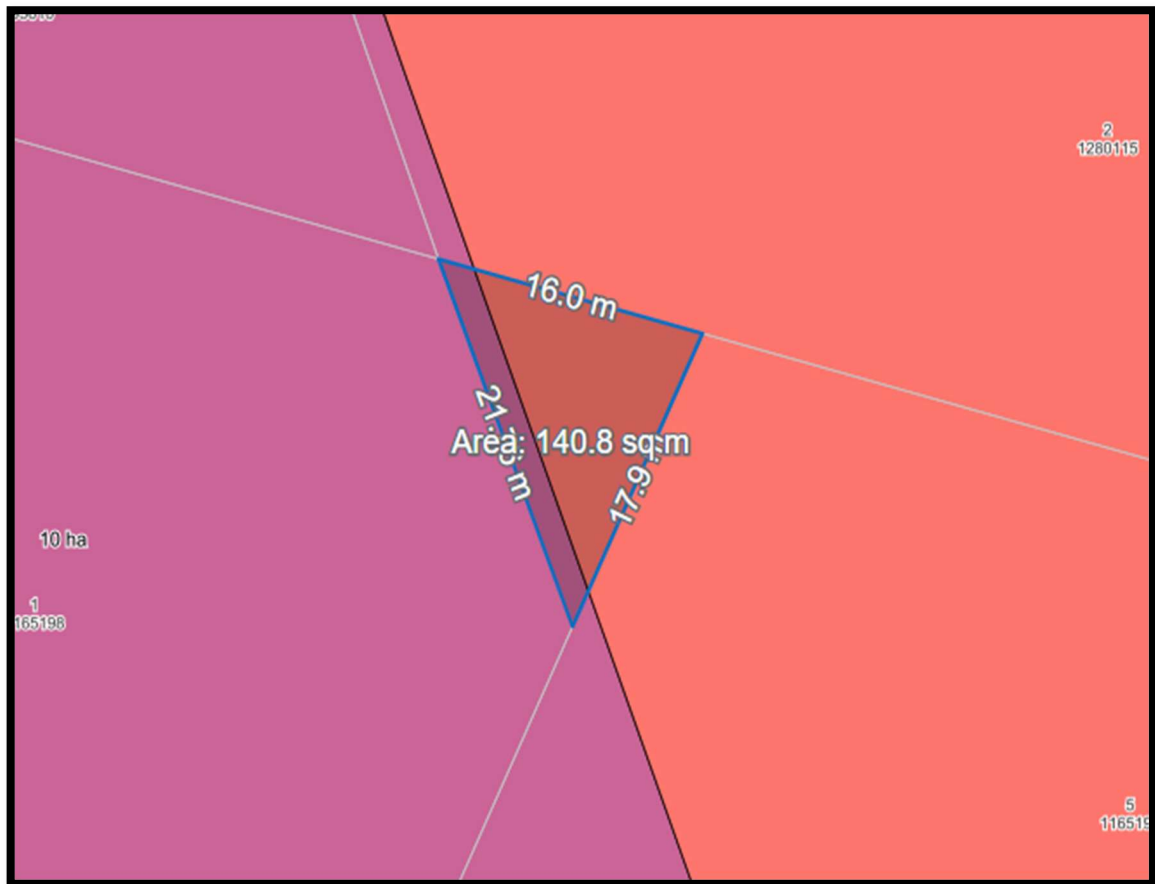


Figure 21: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue from 1000 sqm to 10 ha on the Lot Size Map - Sheet LSZ_001F

Item 13: Amend Land Zoning Map for land adjacent to 18 Hanley Place, Yass.

The proposed amendment is adjacent to land known as 18 Hanley Place, Lot 16 DP 1147860, owned by Yass Valley Council.

A review of the Land Zoning Map revealed that the RE1 – Public Recreation zoning over this lot is encroaching on the cul-de-sac, by about 55 sqm as shown in **Figure 22**. Therefore, the land zoning of the impacted part of Lot 16 DP 1147860 should be amended to R1 – General Residential as outlined below to align with the cadastre boundary.

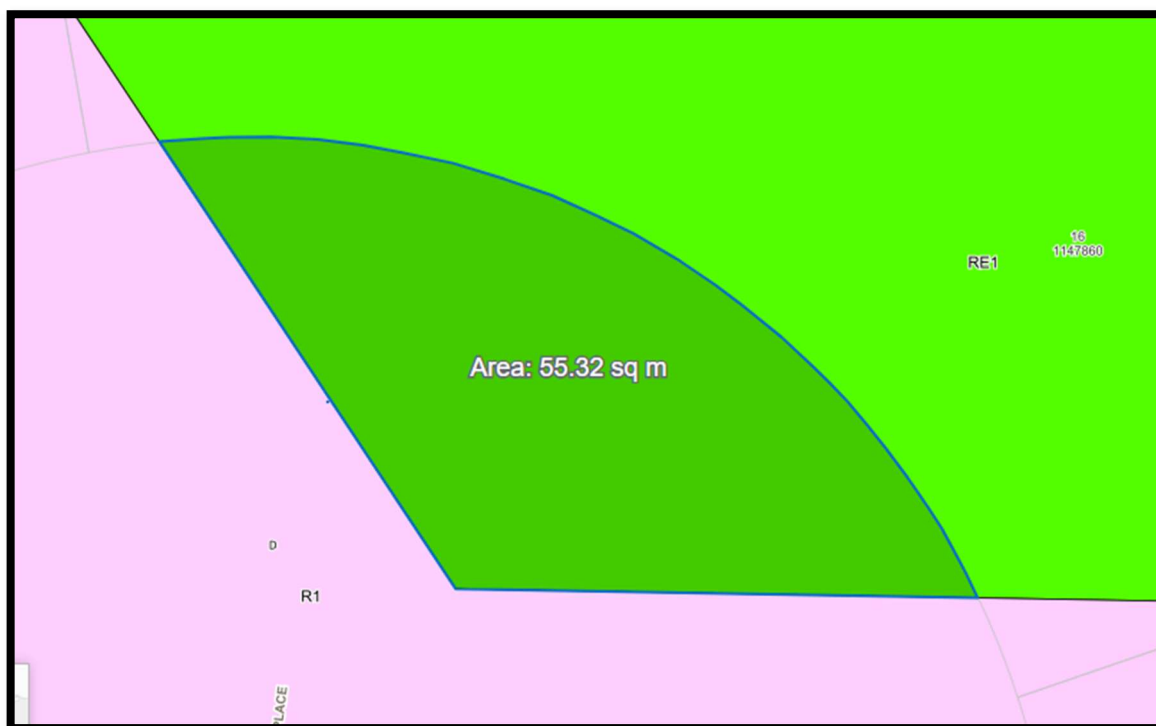


Figure 22: Existing Land Zoning Map - Amend the zoning of land outlined blue to R1 – General Residential to align with the cadastre on the Land Zoning map - Sheet LZN_001H

Item 14: Amend Lot Size Map for Hanley Place, Yass.

Lots 2, 4-7 DP 1193382, Lots 7, 8 & 15 DP 1147860 and Lot 2 DP 1169417 comprise a cumulative area of about 1.33 ha.

A review of the Lot Size Map revealed that there are some anomalies in the MLS mapping of these lots. Lots 2, 5 & 6 DP 1193382 and Lot 2 DP 1169417 should have a MLS of 1000 sqm, Lots 4 & 7 DP 1193382 and Lots 7 & 8 DP 1147860 should have a MLS of 2000 sqm whereas Lot 15 DP 1147860 is zoned in RE1 – Public Recreation so no MLS will be applicable on that, as shown in **Figure 23**. Therefore, the MLS of the subject lots is proposed to be amended to make sure it aligns with the cadastre boundaries.

After lodging the initial planning proposal it has come to light that Lots 9 & 3 DP 1147860 and Lot 32 DP 1045621 also have mapping anomalies. Lot 32 should have a MLS of 4000 sqm, and Lots 9 & 3 should have a MLS of 2000 sqm. **Figure 23** has been amended accordingly.

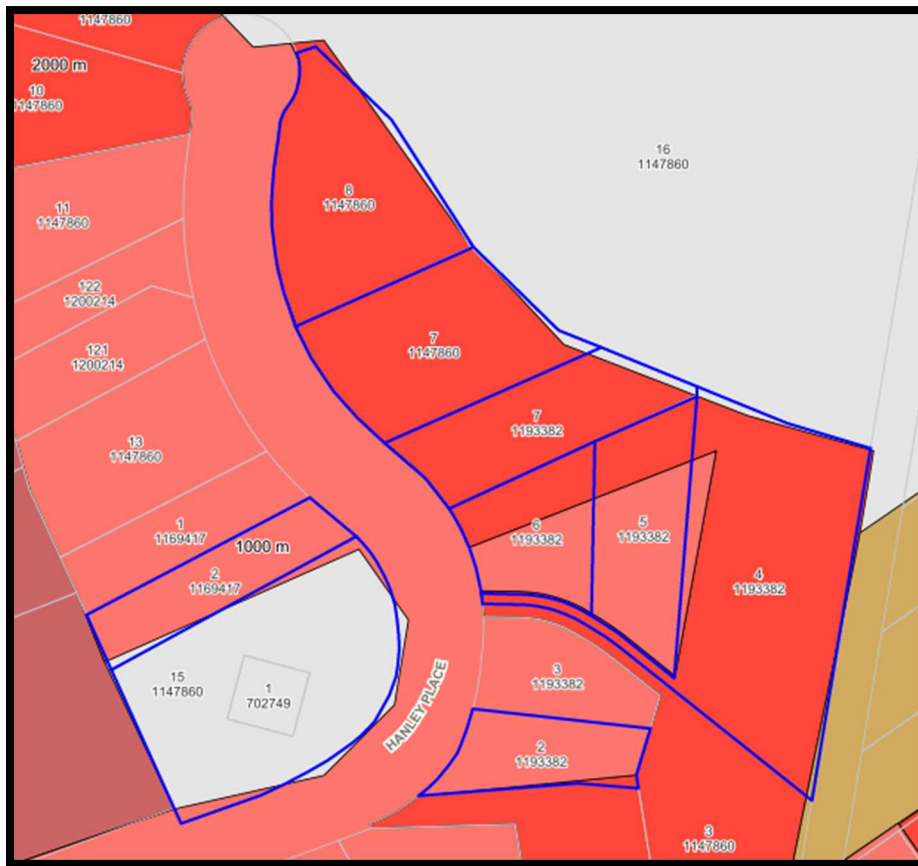


Figure 23: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue to align with the cadastre on the Lot Size map - Sheet LSZ_001H

Item 15: Amend Land Zoning and Lot Size Maps for 27 Grand Junction Road, Yass

The subject land is known as Lot 1 DP 1100033, having an area of 9.667 ha, located on Grand Junction Road, Yass. This lot is part of Yass showground and is a Crown Reserve managed by Trustees. The north west corner has been zoned R1 – General Residential in error, rather than RE1 – Public Recreation which applies to the balance of the lot/showground in Land Zone and Lot Size maps, which is shown in **Figure 24** and **Figure 25**.

It is requested to amend and update the Land Zoning and Lot Size Maps for the subject land from R1 – General Residential & RE1 – Public Recreation to RE1 – Public Recreation with no MLS applicable.



Figure 24: Existing Land Zoning Map - Amend the land zoning from R1 - General Residential & RE1 - Public Recreation to RE1 – Public Recreation to reflect its use and being a Crown Reserve – Sheet LZN_001H



Figure 25: Existing Minimum Lot Size Map - Amend the lot size map of land outlined with blue from 1000 sqm to no MLS – Sheet LSZ_001H

Item 16: Amend Land Zoning and Lot Size Maps for Malbec Drive, Murrumbateman

Lots 174, 177 and 136 DP1268670 have a cumulative area of about 40.94ha. A review of the Lot Size Map revealed that there are some anomalies in the MLS mapping of these lots. Lot 177 should have a lot size of 1ha and Lots 136 and 174 should have a lot size of 6500 sqm as shown in **Figure 26**. Therefore, the MLS of the subject lots is proposed to be amended to make sure it aligns with the cadastre boundaries.

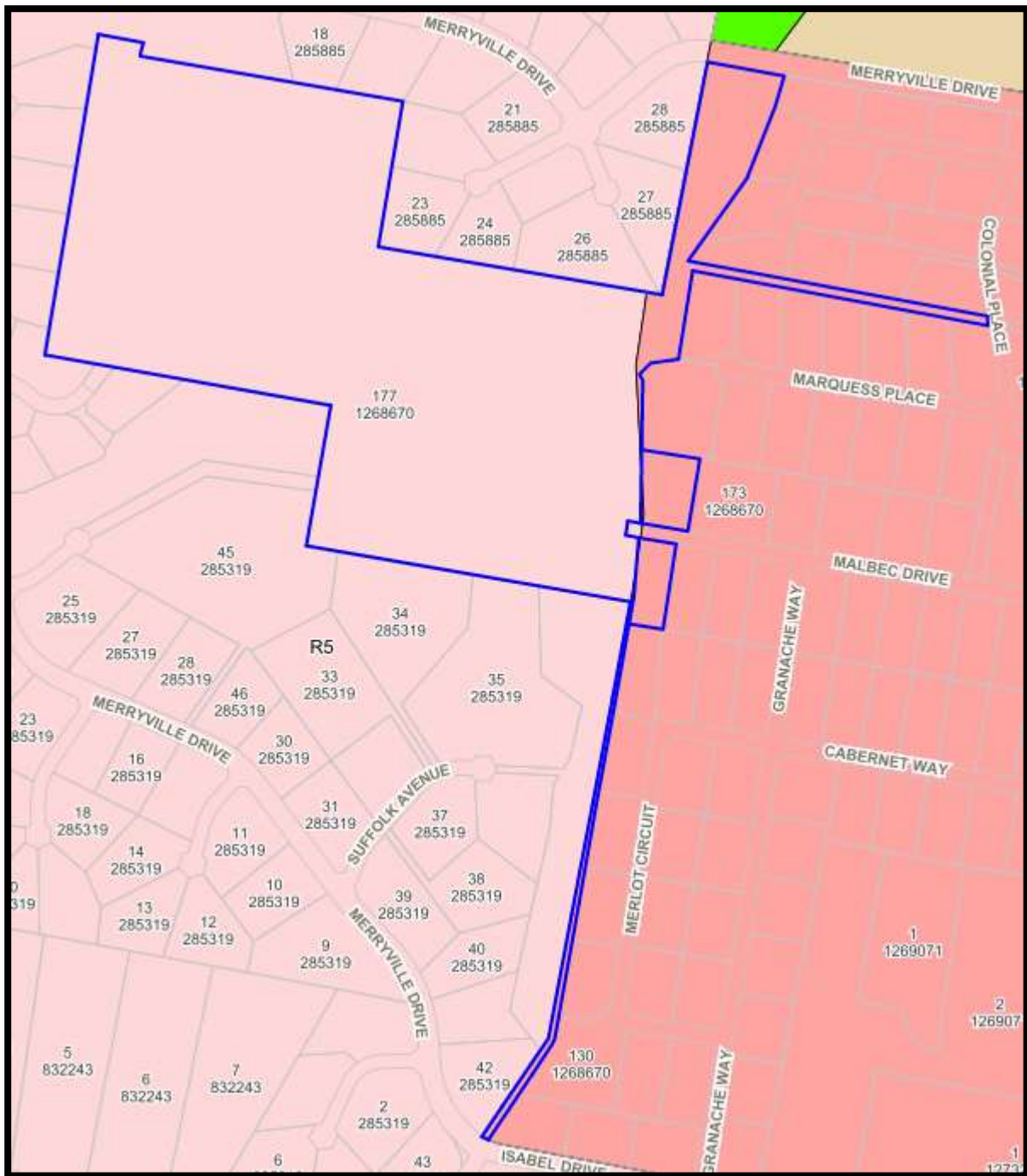


Figure 26: Existing Minimum Lot Size Map - Amend the MLS of land outlined blue to align with the cadastre on the Lot Size map - Sheet LSZ_005A

Item 17: Amend Heritage Map for Lot 2 DP 1229389 and Lot 1 DP1258070, Murrumbateman

Lot 2 DP1229389 and Lot 1 DP128070 are mapped as having an item of environmental significance situated upon them. The cadastre for this area is misaligned and the item of environmental

significance is situated upon Lot 1 DP1033480. The misalignment is shown in Figure 27 below. It is proposed to realign the heritage map with the property boundaries.

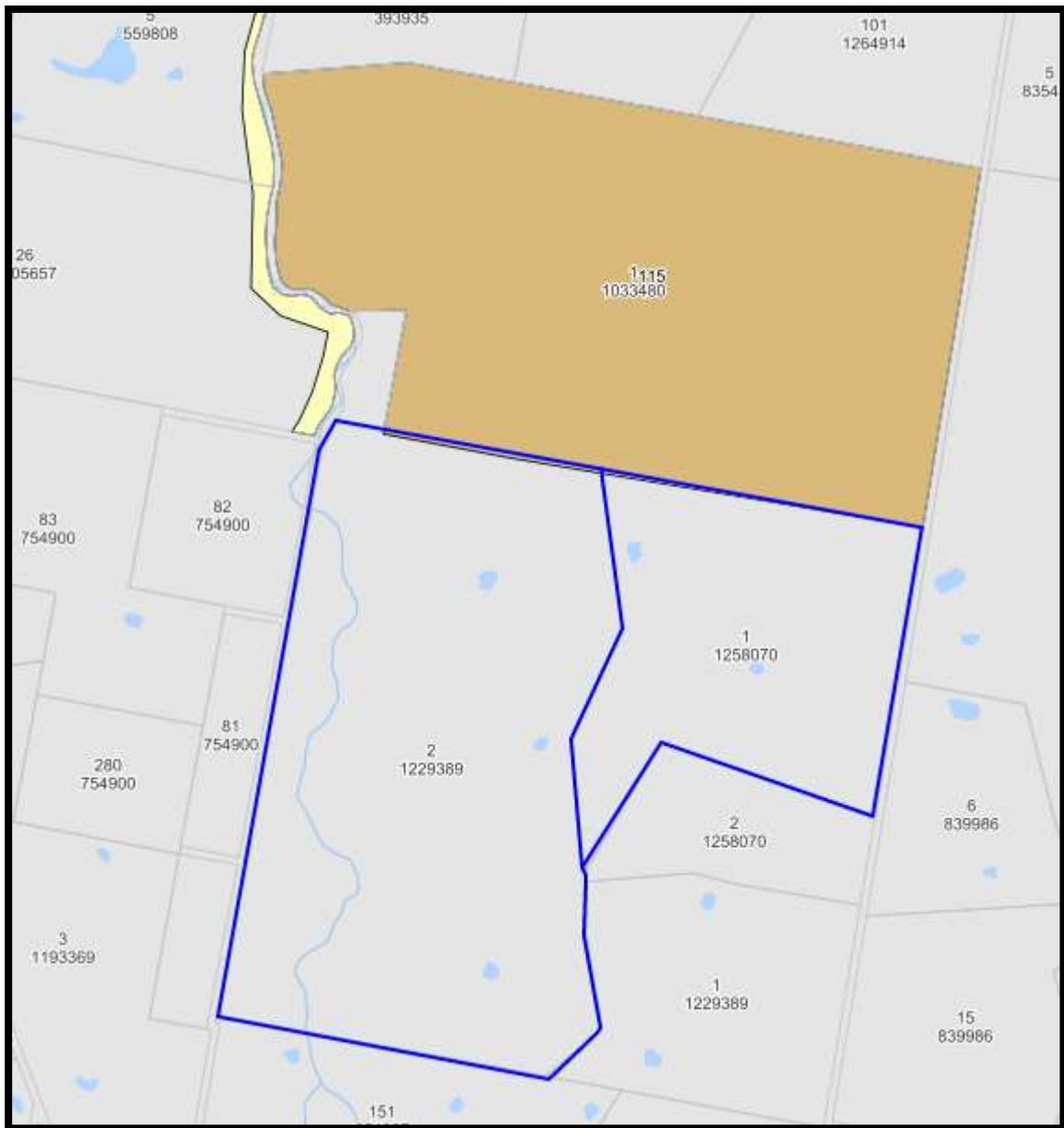


Figure 27: Existing Heritage Map - Amend item I114 from the land outlined blue to align with the cadastre on the Heritage map - Sheet HER_005

PART 3 – JUSTIFICATION

The Yass Valley Council is submitting this planning proposal in terms of housekeeping amendments to correct administrative errors, anomalies, and minor issues in the *Yass Valley Local Environment Plan 2013 (YVLEP 2013)*.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS any strategic study or report?

This planning proposal is not result of any findings/recommendations of any report/study. The *Environmental Planning and Assessment Act 1979* (the Act) states that:

3.21 Review of environmental planning instruments:

- (1) *‘The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible’.*

Through this planning proposal, the Council will keep the standard instrument *YVLEP 2013*, and associated maps updated by correcting anomalies, errors and cadastre issues that are highlighted.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the most efficient way to progress a housekeeping amendment to the *YVLEP 2013*, is through a planning proposal.

Some of the minor housekeeping amendments may have been achieved through expedited amendments under the provisions of s3.22 of the *Environmental Planning & Assessment Act 1979* but as none of the changes were considered urgent and due to the volume of amendments this was considered to be the most appropriate approach.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the planning proposal brings objectives and actions, described in *South East and Tablelands Regional Plan 2036*, to the implementation level through:

- **Action 5.1:** Promote commercial, tourism and recreational activities that support the agricultural sector.
- **Action 5.2:** Promote commercial, tourism and recreational activities that support the agricultural sector. Encourage value-add agricultural opportunities through flexible planning provisions in local strategies and local environmental plans.
- **Action 5.4:** Promote opportunities to better connect agricultural industry to export markets.

Through the addition of the 'artisan food and drink industry' land use into the RU1 Primary Production and RU4 Primary Production Small Lots zones, Yass Valley Council is creating additional opportunities for primary producers and other rural landowners to be directly involved in retail, manufacturing and value-adding or secondary processing to produce artisan food or drinks – thereby supporting local commercial and tourism sectors.

Within this planning proposal, Yass Valley Council is also requesting to amend the zoning of Item 3 which is currently used and developed for Public Recreation as part of the Murrumbateman Recreational Ground from RU1-Primary Production to RE1-Public Recreation.

- **Action 16.1:** Locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards.
- **Action 16.2:** Implement the requirements of the NSW Floodplain Development Manual by developing, updating or implementing flood studies and floodplain risk management plans.
- **Action 16.4:** Incorporate the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels, modelling, floodplain risk management plans and coastal zone management plans.
- **Action 16.6:** Manage risks associated with future urban growth in flood prone areas as well as risks to existing communities.

This planning proposal corrects where RE1 – Public Recreation zoning had been applied in error to two lots of privately owned land. The proposed zoning of RE2 – Private Recreation reflects the inclusion of those lots land within the Main Stream Flood Planning Constraint Category 1, and that residential use of the land is unsuitable.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

The proposed amendment to the *YVLEP 2013* is not inconsistent with the LSPS and Yass Valley Settlement Strategy. Both the LSPS and the Settlement Strategy have been adopted by Council and endorsed by DPE.

The planning proposal is also consistent with the Yass Valley Community Strategic Plan 2042 though it has limited application to the planning proposal.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other state or regional studies are relevant to this planning proposal.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The table below outlines the applicability and consistency of the planning proposal for housekeeping amendments to the YVLEP 2013 with all State Environmental Planning Policies (SEPPs).

Table 2: List of Applicable SEPPs to the Planning Proposal

Title	Description
Focus area: Planning systems	
SEPP (Planning Systems) 2021	Not Applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not Applicable
SEPP (Precincts – Central River City) 2021	Not Applicable
SEPP (Precincts – Western Parkland City) 2021	Not Applicable
SEPP (Precincts – Regional) 2021	Not Applicable
Focus area: Biodiversity and conservation	
SEPP (Biodiversity and Conservation) 2021	Not Applicable
Focus area: Resilience and hazards	
SEPP (Resilience and Hazards) 2021	Not Applicable
Focus area: Transport and infrastructure	
SEPP (Transport and Infrastructure) 2021	Not Applicable
Focus area: Housing	
SEPP (Housing) 2021	Not Applicable
Focus area: Industry and employment	
SEPP (Industry and Employment) 2021	Not Applicable
Focus area: Resources and energy	
SEPP (Resources and Energy) 2021	Not Applicable
Focus area: Primary production	
SEPP (Primary Production) 2021	<p>This policy includes provisions relating to: Primary Production and Rural Development to reduce rural land use conflict.</p> <p>Consistent. The amendment relating to the Murrumbateman Recreation Ground reflects the existing use of the land for Public Recreation. The land has not been typically used for agriculture due to its location adjacent to the Crown Reserve and long term lease with the previous landowner.</p> <p>The inclusion of Crown Land on Cemetery Road, Binalong within the RU1 Primary Production zone is consistent with surrounding rural zoning. It is unlikely that any land use conflict will arise from this amendment.</p>

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Ministerial Directions under Section 9.1 of the EP&A Act	
3. Biodiversity and Conservation	
3.1 Conservation Zones	<p>Consistent.</p> <p>Item 6 - Lot 149 DP 1115534 is owned by Crown Lands Division that has been included in SP2 – Infrastructure in error. This land is proposed to be rezoned to C3 – Environmental Management to be consistent with the land adjacent to the dam wall and the Yass River.</p> <p>Item 9 – Lot 8 DP 38481 is privately owned. This property is zoned R1 - General Residential and RE1 – Public Recreation with an existing dwelling in the R1 portion. This property also partly falls in the Main Stream Flood Planning Constraint Category 1 of the <i>YFRMS 2021 (Yass Floodplain Risk Management Study and Plan July 2021)</i>. It is proposed to change its zoning to R1 - General Residential and RE2 – Private Recreation.</p> <p>The PP proposes to include land within a conservation protection zone which was not previously, and therefore does not reduce the conservation standards that apply to the respective parcels of land.</p>
4. Resilience and Hazards	
4.1 Flooding	<p>Inconsistent, however of minor significance.</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p> <p>Item 8 - Lot 10 Section 2 DP 759136 is privately owned. It falls within the Main Stream Flood Planning Constraint Category 1 and the applicable controls are elaborated in Schedule 2A of <i>YFRMS 2021 (Yass Floodplain Risk Management Study and Plan July 2021)</i> which restricts residential development, so it is proposed to be zoned RE2 – Private Recreation, with dwellings not permitted. Although other forms of residential accommodation are Permitted with Consent in this zone, the controls within the YFRMS would likely prevent the approval of any development application.</p> <p>Item 9 – Lot 8 DP 38481 is privately owned. This property is zoned R1 - General Residential and RE1 – Public Recreation with an existing dwelling located within the R1 component. This property also partly falls within the Main Stream Flood Planning Constraint Category 1. It is proposed to change its zoning to R1 - General Residential & RE2 – Private Recreation, however the zone boundary will not align with the extent of the Main Stream Flood Planning Constraint Category 1. As there is an existing</p>

	dwelling already on that part of the lot, retaining the R1 zone boundary is considered appropriate, and this inconsistency is of minor significance.
5. Transport and Infrastructure	
5.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>The planning proposal includes land zoned and or used for public purposes, including a large public recreational area, owned by Yass Valley Council.</p> <p>Item 3 – Lot 1 DP 1203828 is owned by the Council and currently used and developed for Public Recreation. This lot shares its west boundary with Lot 2 DP 733604, owned by the Council, which is zoned in RE1 – Public Recreation. It is requested to change the zone to reflect the existing land use and public ownership.</p> <p>Item 5 – Lot 1 DP 1201523 is zoned RE1 - Public Recreation despite it being an accessway - not part of Coronation Park. It would be more appropriately zoned B2 – Local centre.</p> <p>Item 8 - Lot 10 Section 2 DP 759136 is zoned RE1 Public Recreation, although it is not used for that purpose and is privately owned. It is proposed to remove the zoning for public purposes and be zoned RE2 – Private Recreation.</p> <p>Item 9 – Lot 8 DP 38481 is zoned R1 - General Residential and RE1 – Public Recreation. It is privately owned, and therefore it is proposed to rezone that part zoned for public purposes to RE2 – Private Recreation.</p> <p>Item 15 – Lot 1 DP 1100033 is zoned R1 - General Residential and RE1 – Public Recreation. It is owned by the Crown Land Division and there are some errors in existing maps of Land Zone and Lot Size maps so it is requested to amend and update to RE1 – Public Recreation.</p>
6.1 Residential Zones	<p>Consistent.</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>Item 12 – Lot 1 DP 1165198, is zoned R5 – Large Lot Residential, with a small area (140 sqm) of R1 – General Residential. It is proposed to adjust the zone boundary to align with the lot boundary. While it removes some land from the R1 zone, the likelihood of it ever being developed in this way is remote, due to its small area and different ownership.</p> <p>Item 14 – Lot 2 DP 1169417, Lots 2, 4-7 DP 1193382 and Lots 3, 7-9 DP 1147860 are zoned R1 – General Residential with Lot 32 DP1045621</p>

	<p>zoned R2 – Low Density Residential. No zone change is proposed; however, the MLS does not correspond to the cadastre.</p> <p>Item 16 - Lots 174, and 136 DP1268670 are zoned R2 – Low Density Residential with Lot 177 DP 1268670 zoned R5 – Large Lot Residential. No zone change is proposed, however the MLS does not correspond to the cadastre.</p>
9.1 Rural Zones	<p>Consistent.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Item 11 - Lot 386 DP 753591, zoned RE1 – Public Recreation is owned by Crown Lands Division. It is not used for RE1 – Public Recreation and is adjacent to RU1 – Primary Production zoned land. It is proposed to amend and update the land zoning and lot size maps of the subject land by showing land zoning map RU1 - Primary Production with a minimum lot size of 40 ha.</p>
9.2 Rural Lands	<p>Consistent</p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region other than Wollondilly and Hawkesbury, that:</p> <p>(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or</p> <p>(b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>Item 11 - Lot 386 DP 753591, zoned RE1 – Public Recreation is owned by Crown Lands Division. It is not used for RE1 – Public Recreation and is adjacent to RU1 – Primary Production zoned land. It is proposed to amend and update the land zoning and lot size maps of the subject land by showing land zoning map RU1 - Primary Production with a minimum lot size of 40 ha.</p>

Section C - Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is minimal likelihood that critical habitat or threatened species, population or ecological communities or their habitat will be affected because of any amendment proposed in the planning

proposal, as it only relates to minor matters, errors and anomalies identified in the *YVLEP 2013*.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There is no other likely environmental effect as a result of any amendment proposed in the planning proposal. The amendments are administrative in nature to address the minor matters and errors identified in the *YVLEP 2013*.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have limited social effect due to the intent and outcome of the planning proposal and its administrative nature. It is likely that there will be positive economic effects from the inclusion of the artisan food or drink industry land use, however the extent of those is unknown.

Section D - State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

Not relevant to this minor administrative amendment.

Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

This planning proposal only seeks to make housekeeping amendments to the *YVLEP 2013* with an intent to address administrative matters and to correct the errors and anomalies that became apparent since the last housekeeping amendment. Council has not consulted any state or commonwealth public authority regarding the planning proposal.

PART 4 – MAPPING

A number of maps need amending as a result of the planning proposal for housekeeping amendments to the *YVLEP 2013*. A list of maps that require amendments are documents in the following table.

Yass Valley LEP Maps to be amended	
Map Type	Map Sheet (identification number)
Lot Size Map	
LSZ_001A	8710_COM_LSZ_001A_020_20160801
LSZ_005C	8710_COM_LSZ_005C_020_20210114
LSZ_001H	8710_COM_LSZ_001H_020_20220517

LSZ_001F	8710_COM_LSZ_001F_020_20201012
Land Zone Map	
LZN_001A	8710_COM_LZN_001A_020_20130424
LZN_005C	8710_COM_LZN_005C_020_20210114
LZN_001F	8710_COM_LZN_001F_020_20201012
LZN_001H	8710_COM_LZN_001H_020_20220517
LZN_005A	8710_COM-LZN_005A_020_20160801
Heritage Map	
HER_005	8710_COM_HER_005_160_20200167

PART 5 – COMMUNITY CONSULTATION

It is considered that this Planning Proposal falls within the Basic Category, and that a consultation period of 10 working days is appropriate. Where amendments relate to specific properties, those landowners will be notified directly. As some of the amendments relate to current Aboriginal Land Claims, the planning proposal should be referred to the Local Aboriginal Land Council.

It is not anticipated that a Public Hearing will be required as no land is proposed to be reclassified and the matters included within the planning proposal are of a minor nature.

It should be noted that Council is seeking authorisation to exercise its delegation of local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*, as this planning proposal is considered to be a local, minor matter.

PART 6 – PROJECT TIMELINE

The following timeline is indicative and is provided to assist the Department in preparing the Gateway determination. It is acknowledged that the timeline will be influenced by a range of external factors, and is also subject to amendments by the Department through the Gateway process.

Stage	Estimated timeframe
Anticipated commencement date (Date of Gateway determination)	April 2023
Completion of any additional required technical information	N/A
Government Agency Consultation	May 2023
Public Exhibition (10 working days)	April 2023
Consideration of submissions by staff	May 2023
Public Hearing	N/A
Anticipated date RPA will forward the plan to the department to be made, if not delegated	June 2023